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No. 21]

NEW DELHI, SATURDAY, MAY 26, 2001/JYAISTHA 5, 1923

इस भाग में जिला बन्ध संख्या दी जाती है जिससे कि यह समय संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विषय संलग्न

(राजस्व विभाग)

आदेश

नई दिल्ली, 14 मई, 2001

केन्द्रीय कारागार, पटियाला (पंजाब) में हिरासत में रखा
जाए।

2. चूंकि केन्द्रीय सरकार यह समझती है कि उपर्युक्त व्यक्ति
फरार होने वाला है, अपने आपको छिपाता है, जिसके
कारण आदेश का पालन नहीं होता है।

3. अतः अब उक्त अधिनियम के खंड 8 के उपखंड 1 उप-
वाक्य (ख) द्वारा निश्चित की गई शक्तियों का प्रयोग करते
हुए केन्द्रीय सरकार यह निदेश देती है कि उक्त व्यक्ति को
सरकारी गजट में इस आदेश के प्रकाशन के 10 दिनों के
भीतर उप निदेशक, राजस्व धाबूबन्दा निदेशालय (प्रादेशिक
एकक) एम: I/सी ग्रीन एवेन्यू अमृतसर के सामने प्रस्तुत
करें।

का.घा. 1075.— चूंकि संयुक्त सचिव, भारत सरकार,
को स्वापक औषधों तथा मनःप्रभावी पदार्थ अधिनियम,
1988 के तहत कानूनी भ्रष्ट व्यापार की रोकथाम के लिए
खंड 3 के उपखंड (1) के अधीन विशेष रूप से शक्ति
प्राप्त हैं, अतः उक्त उपखंड के अंतर्गत फा. सं. 801/4/
2001—पिट एन डी पी एस दिनांक 11-1-2001 के अधीन
आदेश जारी करने के संदर्भ में निदेश है कि श्री सुखदेव सिंह
उर्फ काला पुत्र श्री मदनमोहन सिंह निवासी गांव. घटारी
जिला अमृतसर (पंजाब) को भविष्य में स्वापक औषधों के
भ्रष्ट व्यापार में लिप्त होने से रोकने के लिए नजरबंद तथा

[फा.सं. 801/4/2001—पिट एन डी पी एस]

रामजी सिंह, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 14th May, 2001

S.O. 1075.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 issued order F. No. 801/4/2001-PITNDPS dated 11-1-2001 under the said sub-section directing that Shri Sukhdev Singh @ Kala S/o Shri Madan Mohan Singh R/o Village Attari, Distt. Amritsar (Punjab) be detained and kept in custody in the Central Jail, Patiala (Punjab) with a view to preventing him from engaging in dealing of narcotic in future.

2. Whereas the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

3. Now, therefore, in exercise of powers conferred by clause (b) of sub-section (1) of Section 8 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Deputy Director, Directorate of Revenue Intelligence (Regional Unit) M-1/C, Green Avenue, Amritsar, within 10 days of the publication of this order in the official Gazette.

[F. No. 801/4/2001-PITNDPS]

RAMJEE SINGH, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 27 अप्रैल, 2001

(भाषकर)

का.प्र. 1076.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, भाषकर निदेशावली, 1982 के नियम-8 के साथ पठित भाषकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ अधोलिखित संगठनों को उनके नाम के सामने उल्लिखित अधि के लिए "संस्था" भेजी के अन्तर्गत विन्यमित शर्तों के अधीन अनुमोदित करती है :—

- (1) अधिसूचित संस्था अनुसंधान गतिविधियों के लिए प्रत्यक्ष कर लेखा बही रखेगी ;
- (2) अधिसूचित संस्था हरेक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को प्रत्यक्ष कर से पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, औद्योगिकी भवन, न्यू महरीली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी ;

- (3) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामित कर निष्प्रेषण अधिकारी को भाषकर की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपनी अनुसंधान गतिविधियों वित्त के लिए भाषकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में भाष करी व्यव धाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर को प्रत्यक्ष कर से पहले संगठन पर अधिकार क्षेत्र वाले (क) भाषकर महानिदेशक (छूट), 10 मिडलटन रो, 5वां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) भाषकर आयुक्त/भाषकर निदेशक (छूट) को प्रस्तुत करेगा ।

क्रम सं.	अनुमोदित संगठन का नाम	अधि जिसके लिए अधिसूचना प्रभावी है
1.	लोक मानव मेडिकल रिसर्च सेक्टर, 314बी बिम्बाड, पूणे-400 पूणे-411033	1-4-2000 से 31-3-2003
2.	मुल्कीभाई पटेल सोसाइटी, फोर रिसर्च इन नेफरो-यूरोलाजी, डा. बिनेश्वर देसाई रोड नाडिवाड-387001	1-4-2000 से 31-3-2003
3.	भारतीय विद्या भवन, कुलपति मुंशी मार्ग मुम्बई-400007	1-4-2000 से 31-3-2003
4.	कैडरिक इन्स्टीट्यूट आफ प्लान्ट प्रोटेक्शन एंड टेक्नोकोलाजी, 12, हाल्ल रोड, किल्लपाक चेन्नई-10	1-4-2000 से 31-3-2003

टिप्पणी : अधिसूचित संस्थाओं को यह सलाह दी जाती है कि वे अनुमोदन के नवीनीकरण हेतु पहले से ही तीन प्रतियों में अपने लेखाधिकार में आने वाले भाषकर आयुक्त/भाषकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीकरण के लिए आवेदन की तीन प्रतियां सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं. 100/2001/फा.सं. 203/19/2001—भाषकर नि.-II]

कमलेश सी. बाणोज, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 27th April, 2001

(INCOME TAX)

S.O. 1076.—It is hereby notified for general information that the organisations mentioned below

have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Institution" subject to the following conditions:—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year.
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Lokmanya Medical Research Centre 314-B, Chinchwad, Pune-411033	1-4-2000 to 31-3-2003
2.	Muljibhai Patel Society for Research in Nephro-Urology, Dr. Vivendra Desai Road, Nadiad-387001	1-4-2000 to 31-3-2003
3.	Bharatiya Vidya Bhawan, Kulpati Munshi Marg, Mumbai-400007	1-4-2000 to 31-3-2003
4.	Fredrick Institute of Plant Protection & Toxicology, 12, Harleys Road, Killpauk, Chennai-10	1-4-2000 to 31-3-2003

Notes: The notified Institutions are advised to apply in triplicates and well in advance for renewal

of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 100/2001/F.No. 203/19/2001 ITA-II]

KAMLESH C. VARSNEY, Under Secy.

नई दिल्ली, 27 अप्रैल, 2001

(प्राधिकार)

का.प्रा. 1077: सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, प्राधिकार निधमावली, 1962 के नियम 6 के साथ पठित प्राधिकार अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ प्रचलित संगठनों को उनके नाम के सामने उल्लिखित अवधि के लिए "संघ" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है:

- (1) अधिसूचित संघ अनुसंधान गतिविधियों के लिए धन लेखा बही रखेगी;
- (2) अधिसूचित संघ हर एक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को धन लेखा उससे पहले, सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग-प्रौद्योगिकी भवन, प्लू महौली रोड, नई दिल्ली 110016 को प्रस्तुत करेगी,
- (3) अधिसूचित संघ केन्द्र सरकार की तरफ से नामित, कर निर्धारण अधिकारी को प्राधिकार की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए प्राधिकार अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में प्राथमिक और व्यवसाय की सेवा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर को धन लेखा उससे पहले संगठन पर अधिकार क्षेत्र वाले (क) प्राधिकार महानिदेशक (छूट), 10 मिडलटन रोड 5वां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) प्राधिकार आयुक्त/प्राधिकार निदेशक (छट) को प्रस्तुत करेगा।

क्रम अनुमोदित संगठन का नाम अवधि जिसके लिए अधिसूचना प्रभावी है

1	2	3
1.	पास्ट्रा जैनका रिसर्च फाउंडेशन	1-4-2000 से
	इण्डिया सं 277, डी चौधुरी रोड	31-3-2003
	मल्लेश्वरन, बंगलौर	

1	2	3
2.	सोसाइटी फोर हेल्थ एलाइड रिसर्च एण्ड एजुकेशन इण्डिया, शेवरे इरिया 5-9-22, सरोवर सचिवालय रोड, हैदराबाद-500004	1-4-1999 से 31-3-2003

टिप्पणी: अधिसूचित संघों को यह सलाह दी जाती है कि वे अनुमोदन के नवीनीकरण हेतु पहले से ही तीन प्रतियों में अपने 'कोषाधिकार' में आने वाले प्रायः कर आयुक्त/आयुक्त निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन में नवीनीकरण के लिए आवेदन की तीन प्रतियां सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं० 101/2001/का. स. 203/19/2001-
आयकर नि.-II]

कमलेश सी. वार्ष्णेय, प्रवर सचिव

New Delhi, the 27th April, 2001

(INCOME TAX)

S.O. 1077.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose or clause (ii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category "Association" subject to the following conditions:—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax/Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the

return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Astra Zeneca Research Foundation India No. 277, T. Chowdiah Road, Malleswaran, Bangalore-560003	1-4-2000 to 31-3-2003
2.	Society for Health Allied Research and Education India, Share-India, 5-9-22, Sarovar, Secretarial Road, Hyderabad-500004	1-4-99 to 31-3-2002

Notes: The notified Associations are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/Director of Income tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 101/2001/F.No. 203/19/2001-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 27 अप्रैल, 2001

(आयकर)

का.प्रा. 1078.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ अधोलिखित संगठनों को उनके नाम के सामने उल्लिखित शर्तों के लिए "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अधीन अनुमोदित करती है:—

- (1) अधिसूचित संस्था अनुसंधान गतिविधियों के लिए अलग लेखा बही रखेगी,
- (2) अधिसूचित संस्था हरेक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को उससे पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी
- (3) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामित कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में

आय और व्यय खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर को अथवा उससे पहले संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), 10 मिडलटन रो, 5वां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रस्तुत करेगा।

क्रम अनुमोदित संगठन का नाम अवधि जिसके लिए अधिसूचना प्रभावी है

1. रिसर्च फाउण्डेशन फॉर जैनोलाजी "सुगन हाउस" 18, रामानुज अय्यर स्ट्रीट, साकरपेट, चेन्नई-600079 1-4-2000 से 31-3-2003
2. इण्डियन इंस्टीट्यूट ऑफ मैनेजमेंट, बैनरघाट रोड, बंगलूर-560076 1-4-2000 से 31-3-2003
3. विपासना रिसर्च इंस्टीट्यूट, ग्रीन हाउस ग्रीन स्ट्रीट, द्वितीय तल, फोर्ट मुम्बई-400023 1-4-2000 से 31-3-2003

टिप्पणी: अधिसूचित संस्था को यह सलाह दी जाती है कि वे अनुमोदन के नवीनीकरण हेतु पहले से ही तीन प्रतियों में अपने लेखाधिकार में आने वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन के नवीनीकरण के लिए आवेदन की तीन प्रतियां सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएगी।

[अधिसूचना सं. 102/2001/फा.स. 203/19/2001-
आयकर नि.-II]
कमलेश सी. वार्ष्णेय, अवर सचिव

New Delhi, the 27th April, 2001
(INCOME TAX)

S.O.1078.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions:—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research 'Technology Bhawan', New Mehrauli Road, New

Delhi-110016 for every financial year on or before 31st May of each year.

- (iii) The notified Institution shall submit on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Research Foundation for Jainology, "Sugan House", 18, Ramanuja Iyer Street, Sowcarpet, Chennai-600079	1-4-2000 to 31-3-2003
2.	Indian Institute of Management Bannerghatta Road, Bangalore-560076	1-4-2000 to 31-3-2003
3.	Vipasana Research Institute, Green House, Green Street, 2nd Floor, Fort, Mumbai-400023	1-4-2000 to 31-3-2003

Notes : The notified Institutions are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 102/2001 F.No. 203/19/2001-ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

फा.सं. 1078.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि नीचे उल्लिखित संस्था/संघ और नीचे दिए गए इसके कार्यक्रम को आयकर अधिनियम, 1961 की धारा 35 गण्य के प्रयोजनार्थ आयकर निवृत्तिपत्र, 1962 के नियम 6 कक्षा के अधीन विहित प्राधिकारी होने की स्थिति से सचिव, पर्यवेक्षण एवं नव

मंजूर, भारत सरकार, नई दिल्ली द्वारा अनुमोदित किया जाता है।

संस्था/संघ का नाम	कार्यक्रम
पीपल फार एनीमल ए-4, महारानी बाग, नई दिल्ली-110065	1. पशु अस्पताल/प्राध्वस की स्थापना। 2. वाहन आधारित चलता-फिरता पशु देख-भाल इकाई। 3. भालू अभ्याकरण की स्थापना। 4. पशु कल्याण प्रशिक्षण संस्थान की स्थापना।

2. विहित प्राधिकारी द्वारा (i) धारा 35 गण्य की उपधारा (ii) के अंतर्गत संस्था/संघ और (2) धारा 35 गण्य की उपधारा (ब) के अंतर्गत कार्यक्रमों को दिए गए दोनों अनुमोदन निम्नलिखित शर्तों के अध्वधीन दिनांक 1-4-2001 से 31-3-2004 तक की अवधि के लिए वैध है -

- (1) पीपल फार एनीमल, ए-4, महारानी बाग, नई दिल्ली-110065, उपरोक्त पैरा 1 में उल्लिखित क्रियाकलापों के लिए इसके द्वारा प्राप्त धन का एक अलग खाता रखेगा।
- (2) पीपल फार एनीमल उपरोक्त पैरा 1 में उल्लिखित कार्यक्रमों की प्रत्येक वित्त वर्ष के लिए प्रगति रिपोर्ट प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा।
- (3) पीपल फार एनीमल, ए-4, महारानी बाग, नई दिल्ली-110065 कुल आय एवं व्यय और देन दारियों को दर्शाने वाले लेखा-परीक्षित खातों की एक प्रति तथा संबंधित आयकर आयुक्त को भेजे गए दस्तावेजों की एक प्रति हर वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा।
- (4) यह अनुमोदन विहित प्राधिकारी को सतत संतुष्टि के अध्वधीन दिया जाता है और यदि आवश्यक समझा गया तो इसे मूलतः प्रभाव से वापिस लिया जा सकता है।

[अधिसूचना सं. 104/2001/का.सं. 203/23/2001-
आयकर नि. II]
कमलेश सी. वार्ष्णेय, अवर सचिव

New Delhi, the 30th April, 2001.

S.O.1079.—It is notified for general information that the institution/Association mentioned below and its programme given hereunder have been approved by the Secretary, Ministry of Environment and Forests, Government of India, New Delhi, being the prescribed authority under Rule 6 AAC

of the Income-tax Rules, 1962, for the purposes of section 35CCB of Income-tax Act, 1961.

Name of the Institution/ Association	Programme
People for Animals A-4, Maharani Bagh, New Delhi-110065	1. Establishment of animal hospital/Shelter 2. Vehicle based mobile animal care unit. 3. Establishment of bear Saultuaries 4. Establishment of animal welfare training institute.

2. Both the approvals accorded by the prescribed authority namely (i) to the Institution/Association under sub-section (2) of section 35CCB and (ii) to the programmes under sub-section (i) of section 35 CCB are valid for the period from 1-4-2001 to 31-3-2004 subject to the following conditions:

- (i) People for animals, A-4, Maharani Bagh, New Delhi-110065 shall maintain a separate account of the donation received by it for the activities mentioned in para 1 above.
- (ii) The People for animals shall furnish progress reports of the programmes as mentioned in para 1 above to the prescribed authority for every financial year by the 30th June every year.
- (iii) The People For Animals, A-4, Maharani Bagh, New Delhi-110065 shall submit to the prescribed authority by the 30th June every year a copy of the audited annual accounts showing the total income and expenditure and liabilities and a copy of each of these documents sent to the concerned Commissioner of Income-tax.
- (iv) The approval is subject to the continued satisfaction of the prescribed authority and may be withdrawn with retrospective effect if considered necessary.

[Notification No. 104/2001/F.No. 203/23/2001/ITA.II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

का.भा. 1080: सईसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 28 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निवर्तन वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों को अनु-मोदित किया गया है।

2 यह अनुमोदन इस शर्त के अधीन है कि

- (1) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-घ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा।
- (2) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम —
- (क) प्रयत्नसंचालनात्मक सुविधा को जारी रखना बन्द कर देता है, और
- (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2E के उपनियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
- (ग) आयकर नियमावली, 1962 के नियम 2E के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम निम्न है —

मैसर्स रिलायन्स सालगांकार पावर कम्पनी लि., कामत केन्द्र, द्वितीय तल, डी बी बन्दोवकर मार्ग, पणजी, गोवा-403001 की सनकोली, गोवा में 48 मेगावाट क्षमता-सहकित पावर प्लांट।

[प्रसूचना सं 105/2001/का सं 205/151/99-
आयकर नि-II, भाग-II]

कमलेश सी. वार्शनी, अवर सचिव

New Delhi, the 30th April, 2001

3.O.1080.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that:

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking:
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962, or

(c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income tax Rules, 1962.

3. The enterprise approved is—48 MW Combined Cycle power plant at Sancoale, Goa of M/s Reliance Salgaonkar Power Company Ltd. Kamat Centre, 2nd Floor, D.B. Bandodkar Marg, Panaji, Goa-403001.

[Notification No 105/2001/F.No. 205/151/99-ITA-II Pt.II]

KAMLESH C. VARSHNEY, Under Secy

नई दिल्ली, 30 अप्रैल, 2001

का.प्र.1081 सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23घ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे दिए (3) में उल्लिखित उद्यमों को अनुमोदित किया गया है।

2 यह अनुमोदन इस शर्त के अधीन है कि —

- (i) उद्यम औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23घ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा,
- (ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम —
- (क) प्रयत्नसंचालनात्मक सुविधा को जारी रखना बन्द कर देता है; और
- (ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2E के उपनियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है, अथवा
- (ग) आयकर नियमावली, 1962 के नियम 2E के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. दूर संचार विभाग (मूल सेवा समूह) द्वारा जारी दिनांक 12-2-2001 के पंजीकरण प्रमाणपत्र सं 30/2001 के तहत मैसर्स रिलायन्स इन्फोकॉम लि., द्वितीय तल, श्री राम मिल परिसर गणपत राव कदम मार्ग, वरली मुम्बई-400013 का आधार भूत सुविधा प्रदान करने वाली श्रेणी-I की परियोजना 1 एक अनुमोदित उद्यम है।

[प्रसूचना सं 106/2001/205/77/2000-आयकर नि-II]

कमलेश सी. वार्शनी, अवर सचिव

New Delhi, the 30th April, 2001

S.O. 1081.—It is notified for general information that the enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2001-2002, 2002-2003 and 2003-2004.

2. The approval is subject to the condition that—

- (i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise:—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is project of infrastructure provider Category 1 of M/s Reliance Infocom Limited 2nd Floor, Shree Ram Mill Premises, Ganpatrao Kadam Marg, Worli, Mumbai-400013 vide Registration certificate No. 30/2001 dated 12-2-2001 issued by the Department of Telecommunication (Basic services group).

[Notification No. 106/2001/205/77/2000 ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

का.आ. 1082.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2E, के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर-निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है—

- (i) उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 2E के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबंधों के अनुकूल होगा और उनका अनुपालन करेगा ;

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम / औद्योगिक उपक्रम —

- (क) अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है, और
- (ख) लगता बहियों का रख-रखाव नहीं करता है तथा प्रायकर नियमावली, 1962 के नियम 2E के उपनियम (7) द्वारा यथा अपेक्षित किसी लेखा-कार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है;
- (ग) प्रायकर नियमावली, 1962 के नियम (2E) के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदिन उद्यम निम्नानुसार है —

दूर संचार विभाग द्वारा जारी दिनांक 12-12-95 के लाइसेंस के अन्तर्गत मैसर्स रिलायन्स टेलिकम लि., तृतीय तल, मेकर चैम्बर्स IV/1, 222 नरीमन प्वाइन्ट मुम्बई-400021 द्वारा असम, बिहार, हिमाचल प्रदेश, मध्य प्रदेश, उत्तर प्रदेश, उड़ीसा, पश्चिमी बंगाल में सेल्युलर मोबाइल टेलीफोन सेवाएं और दिनांक 18-3-97 के लाइसेंस के अन्तर्गत गुजरात सर्विस क्षेत्र में टेलीफोन सेवाएं।

[अधिसूचना सं. 107/2001/का. सं. 205/3/98-आयकर वि. 1
खंड 1]

कमलेश सी वाण्ये, प्रवर सचिव

New Delhi, the 30th April, 2001

S.O. 1082.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

- (i) the enterprise/industrial undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/industrial undertaking:—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is Cellular Mobile Telephone Services in Assam, Bihar, Himachal Pradesh, Madhya Pradesh, N. E., Orissa, West Bengal under the licence dated 12-12-1995 and Telephone Service in Gujarat Service Area by M/s. Reliance Telecom Limited, 3rd Flood, Maker Chambers IV, 222 Nariman Point, Mumbai—400 021 under the licence dated 18-3-97, issued by the Department of telecommunication.

[Notification No. 107/2001/F. No. 205/3/98-ITA-II, Vol. I]

KAMLESH C. V. ARSHNEY, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

का.अ. 1083.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2002-2003, 2003-2004 और 2004-2005 के लिए नीचे पैरा 3 में उल्लिखित उद्यमों को अनुमोदित करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

- उद्यम/औद्योगिक उपक्रम आयकर नियमावली, 1962 के नियम 23 के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा ;
- केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/औद्योगिक उपक्रम :—
- अवसंरचनात्मक सुविधा को जारी रखना बंद कर देता है ; और
- खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है,
- आयकर नियमावली, 1962 के नियम 23 के उपनियम (7) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

3. अनुमोदित उद्यम/औद्योगिक उपक्रम निम्नानुसार है :—

- मैसर्स रिलाइन्स यूटिलिटीज एंड पावर लि., 3रा तल, मेकर चैम्बर्स-IV 222 नरीमन पोइन्ट, मुम्बई-400021 की 470 मेगावाट की कम्बाइन्ड साइकल कैप्टिव का-जनेरेशन पावर प्रोजेक्ट (फा. सं. 205/40/98-आयकर नि. II, भाग-II)
- मैसर्स रिलाइन्स पावर लि., 3रा तल, मेकर चैम्बर्स IV, 222 नरीमन पोइन्ट मुम्बई-21 का गुजरात में 2 × 250 मेगावाट का जामनगर पेट्रोकॉक आधारित थर्मल पावर स्टेशन (फा. सं. 205/156/99-आयकर नि. -II, खंड-II)
- मैसर्स रिलाइन्स पोर्ट्स एंड टर्मिनल्स लि., 3रा तल, मेकर चैम्बर्स -IV 222 नरीमन पोइन्ट मुम्बई-400021 द्वारा गुजरात मेरीटाइम बोर्ड

के साथ दिनांक 15 सितम्बर, 1998 के करार के अन्तर्गत निर्माण/परियोजना और कैप्टिव पोर्ट को उपयोग।

(फा सं 205/48/98-आयकर नि. II, भाग II)

[अधिसूचना सं. 108/2001/फा.सं 205/40/98- आयकर नि. II, भाग II]

कमलेश सी. वार्ष्णेय, अवसर सचिव

New Delhi, the 30th April, 2001

S.O. 1083.—It is notified for general information that enterprises/industrial undertakings, listed at para (3) below have been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 2002-2003, 2003-2004 and 2004-2005.

2. The approval is subject to the condition that—

- the enterprise/industrial undertaking will conform to and comply with the provisions of Section 10(23G) of the Income-tax Act, 1961 read with rule 2E of the Income-tax Rules, 1962;
- the Central Government shall withdraw this approval if the enterprise/industrial undertaking :—
- ceases to carry on infrastructure facility; or
- fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
- fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprises/industrial undertakings approved are :—

- 470 MW Combined Cycle Captive Co-generation Power Project of M/s. Reliance Utilities and Power Limited, 3rd Flood, Maker Chambers IV, 222 Nariman Point Mumbai—400 021. (F. No. 205/40/98-ITA-II, Part II).
- 2x250 MW Jamnagar Petcoke based Thermal Power Station in Gujarat of M/s. Reliance Power Limited, 3rd Flood, Maker Chambers IV, 222 Nariman Point, Mumbai—21. (F. No. 205/156/99-ITA-II, Vol. I).
- Project of construction/laying and use of Captive Port under agreement dated 15th September, 1998 with Gujrat Maritime Board by M/s. Reliance Ports and Terminals Limited, 3rd Floor, Maker Chambers IV, 222 Nariman Point, Mumbai—400 021. (F. No. 205/48/98-ITA-II, Part II).

[Notification No. 108/2001/F. No. 205/40/98-ITA-II, Part II]

KAMLESH C. VARSHNEY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 1 मई, 2001

का.आ. 1084.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा निम्नलिखित व्यक्तियों को 1 मई, 2001 से तीन वर्ष की अवधि के लिए भारतीय निर्यात-आयात बैंक के निदेशक के रूप में नामित करती है :—

1. श्री आर. वी. शास्त्री,
अध्यक्ष और प्रबन्ध निदेशक,
केनरा बैंक
भारतीय निर्यात-आयात बैंक अधिनियम, 1981 की धारा 6(1)(ड.) (ii) के अनुसरण में
2. श्री एस. सी. बसु,
अध्यक्ष और प्रबन्ध निदेशक,
बैंक ऑफ महाराष्ट्र
—वही—
3. श्री पुलिन बी. नायक,
प्रोफेसर (अर्थशास्त्र)
डेलही स्कूल ऑफ इकनोमिक्स,
दिल्ली विश्वविद्यालय
भारतीय निर्यात-आयात बैंक अधिनियम, 1981 की धारा 6(i)(ड.) (iii) के अनुसरण में
4. डॉ. एस. अन्ना
प्रबन्ध परामर्शदाता
अध्यक्ष, पैन एशियन
मैनेजमेन्ट काउन्सिल,
नई दिल्ली
—वही—
5. डॉ. विनयकीर्ति गोतम,
प्रोफेसर प्रबन्धन विभाग,
भारतीय प्रीक्षामित्री संस्थान,
दिल्ली
—वही—
6. डॉ. बुधाजीराव रघुनाथराव
मलिक, उपाध्यक्ष,
एग्रीकल्चरल इंजीनियरी लॉज
(मूदा एवं जल), पूणे,
महाराष्ट्र
—वही—

[फा. सं. 7/1/97 बी. प्रो.-I]

रमेश चन्द्र, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 1st May, 2001

S.O. 1084.—In exercise of the powers conferred by clause (e) of Sub-section (1) of Section 6 of the Export Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates the following persons as Directors of Export Import Bank of India for a period of three years commencing on 1st May, 2001 :

1. Shri R.V. Shastri,
Chairman and Managing Director,
Canara Bank
In pursuance of Section 6(1) (e) (ii) of the Export Import Bank of India Act, 1981
2. Shri S.C. Basu,
Chairman and Managing Director,
Bank of Maharashtra
-do-

3. Shri Pulin B. Nayak, In pursuance of Section 6(1) (c)(iii) of the Export-Import Bank of India Act, 1981
Professor of Economics, Delhi School of Economics, University of Delhi.
4. Dr. S. Chandra, -do-
Management Consultant, Chairman,
Pan Asian Management Foundation,
New Delhi
5. Dr. Vinayshil Gautam, -do-
Prof., Management Department
Indian Institute of Technology,
Delhi.
6. Dr. Budhajirao Raghunathrao Mulik, -do-
Vice-President,
Asian Association of Agril. Engg. (Soil and Water),
Pune, Maharashtra.

[F. No. 7/1/97-B.O.-I]
RAMESH CHAND, Under Secy.

नई दिल्ली, 8 मई, 2001

का.आ. 1085.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उप-बंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्द्वारा निम्नलिखित व्यक्तियों की 8 मई, 2001 से तीन वर्ष की अवधि के लिए बैंक ऑफ बड़ौदा में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है :—

1. श्री पीयूष गोयल बैंककारी कंपनी उप-निदेशक, क्रमों का अर्जन एवं अंतरण—
गुजरात पोस्ट्रा पोर्ट इन्फ्रास्ट्रक्चर लि. रण) अधिनियम 1970
पिपावाव हाउस, की धारा 9 की उपधारा
209 बैंक स्ट्रीट क्रॉस लेन, (3क) के साथ पठित
शहीद भगत सिंह रोड के सामने, उप-धारा (3) के खंड
फोर्ट मुम्बई-400023 (ज) के अनुसरण में।
- 2 श्री बापू साहेब नामदेव राव गुलवेपाटिल, —नदैव—
अधिवक्ता, कृषक और समाज सेवक,
आशियाना हाउस सोसाइटी बाकवर
तालुक,
संगमनेर-422605, अहमदनगर
महाराष्ट्र।

[फा. सं. 9/17/2000-बी. ओ. -I(i)]
रमेश चन्द, अधीक्षक सचिव

New Delhi, the 8th May, 2001

S.O. 1085.—In exercise of the powers conferred by sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 read with sub-clause (1) of Clause 3 of the

Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates the following persons as part-time non-official directors of Bank of Baroda for a period of three years with effect from 8th May, 2001 :—

1. Shri Piyush Goyal, In pursuance of
Director, clause (h) of sub-
Gujarat Postra Port Infra- section (3) read with
structure Ltd., Sub-section (3A) of
Pipavav House, Section 9 of the
209, Bank Street Cross Banking Companies
Lane, (Acquisition and
Off. Shyadid Bhagat Singh Transfer of Under-
Road, Fort, takings) Act, 1970.
Mumbai—400 023.
2. Shri Bapusaheb Namdevrao —do—
Gulvepatil, Advocate,
Agriculturist and Social
Worker,
Ashiyana Housing Society,
At Post Tal.,
Sangamner—422 605
(Ahmednagar),
Maharashtra.

[F. No. 9/17/2000-B.O.I. (i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 8 मई, 2001

का.आ. 1086.—राष्ट्रीय बैंक (प्रबंध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा निम्नलिखित

व्यक्तियों को 8 मई, 2001 से तीन वर्ष की अवधि के लिए बैंक ऑफ इंडिया में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है :—

1. श्री पहलाज नानिकरम निहलानी बैंककारी कंपनी (उप-फिल्म निर्माता एवं वितरक क्रमों का अर्जन एवं अंत-2बी, दू रोजेज हाउसिंग सोसाइटी रण) अधिनियम, 1970 पाली रोड, बान्द्रा, (प.) की धारा 9 की उपधारा (3क) के साथ पठित उप-धारा (3) के खंड (ज) के अनुसरण में। मुम्बई-50

2. श्री श्रीपद रामचन्द्र हाल्वे, —तदैव—
कंपनी सचिव एवं कंपनी परामर्शदाता,
72, नेमानी बिल्डिंग
एन. एस. पाटकर मार्ग, चौपाटी,
मुम्बई-7

[फा. सं. 9/17/2000-बी.ओ.-I(ii)]
रमेश चन्द, अवसर सचिव

New Delhi, the 8th May, 2001

S.O. 1086.—In exercise of the powers conferred by sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates the following persons as part-time non-official directors of Bank of India for a period of three years with effect from on 8th May, 2001 :

1. Shri Pahlaj Nanikram In pursuance of
Nihalani, clause (h) of sub-
Film Producer & section (3) read with
Distributor, sub-section (3A) of
2-B, Two roses Housing Section 9 of the
Society, Banking Companies
Pali Road, (Acquisition and
Bandra (W), Transfer of Under-
Mumbai-50. takings) Act, 1970.
2. Shri Shripad Ramachandra -do-
Halbe,
Company Secretary and
Corporate Consultant
72, Nemani Building,
N. S. Patkar Marg,
Chowpatty,
Mumbai-7

[F. No. 9/17/2000-B.O.-I. (ii)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 8 मई, 2001

का.आ. 1087.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) कीम, 1980 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम

1980 की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा निम्नलिखित व्यक्तियों को 8 मई, 2001 से तीन वर्ष की अवधि के लिए कॉर्पोरेट बैंक में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है :—

1. श्री शैलेन्द्र स्वरूप, बैंककारी कंपनी (उप-अधिवक्ता, भारत का उच्चतम क्रमों का अर्जन एवं अंत-न्यायालय, रण) अधिनियम, 1980 127, सुन्दर नगर, की धारा 9 की उपधारा नई दिल्ली। (3क) के साथ पठित उप-धारा (3) के खंड (ज) के अनुसरण में।

2. श्री सुरिन्दर सिंह भसीन, —तदैव—
व्यवसायी,
645 फेथफुल गंज मार्केट,
कानपुर कैंट।

[फा. सं. 9/17/2000-बी.ओ.-I(iii)]
रमेश चन्द, अवसर सचिव

New Delhi, the 8th May, 2001

S.O. 1087 —In exercise of the powers conferred by sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 read with Sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates the following persons as part-time non-official directors of Corporation Bank for a period of three years with effect from on 8th May, 2001 :

1. Shri Shailendra Swarup, In pursuance of
Advocate, clause (h) of sub-
Supreme Court of India, section (3) read with
127, Sunder Nagar, sub-section (3A) of
New Delhi. Section 9 of the
Banking Companies
(Acquisition and
Transfer of Under-
takings) Act, 1980.
2. Shri Surinder Singh Bhasin, -do-
Businessman,
645, Faithful Ganj Market,
Kanpur Cantt.

[F. No. 9/17/2000-B.O.-I. (iii)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 8 मई, 2001

का.आ. 1088.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों

को 8 मई, 2001 से तीन वर्ष की अवधि के लिए सिंडिकेट बैंक में अशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है —

- 1 श्री भूपिन्दर सिंह सूरी, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) व्यवसायी, का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के साथ पठित उपधारा (3) के खंड (ज) के अनुसरण में ।
2, मथुरा रोड, जगपुरा-बी, नई दिल्ली ।

- 2 डा सुदर्शन कुमार खन्ना, भूतपूर्व अध्यक्ष, यू जी सी/ए आई सी टी ई, 242, विवेकानन्द पुरी, दिल्ली-7

—तदैव—

[फा स 9/17/2000-बी ओ -I(iv)]

रमेश चन्द, प्रवर सचिव

New Delhi, the 8th May, 2001

S.O. 1088.—In exercise of the powers conferred by sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates the following persons as part-time non-official directors of Syndicate Bank for a period of three years commencing on 8th May, 2001 :

1. Shri Bhupinder Singh Suri, In pursuance of Businessman, clause (h) of sub-section (3) read with 2, Mathura Road, sub-section (3A) of Jangpura-B, Section 9 of the New Delhi. Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.
2. Dr. Sudarshan Kumar -do- Khanna, Ex-Chairman, UGC/AICTE, 242, Vivekanand Puri, Delhi:7

[F. No. 9/17/2000-B.O.-I. (iv)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 8 मई, 2001

का आ 1089 —राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित व्यक्तियों

को 8 मई, 2001 से तीन वर्ष की अवधि के लिए विजया बैंक में अशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है —

- 1 श्री बाबूसेठ टायर वाला, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) व्यवसायी, का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के साथ पठित उपधारा (3) के खंड (ज) के अनुसरण में ।
(बाबू कबलाथ सुब्रह्मण्य), व्यवसायी, पावेर निवास, सावरकर मार्ग, बसन्त टेकड़ी, अहमदनगर, (महाराष्ट्र)

- 2 श्रीमती सुखदा मिश्रा, भूतपूर्व मंत्री, उ.प्र और भूतपूर्व सांसद, बी-62/72, आई एक एस फ्लैट्स, मयूर विहार, फेज-1, दिल्ली ।

—तदैव—

[फा. सं 9/17/2000-बी ओ -I(v)]

रमेश चन्द, प्रवर सचिव

New Delhi, the 8th May, 2001

S O. 1089.—In exercise of the powers conferred by sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates the following persons as part-time non-official directors of Vijaya Bank for a period of three years commencing on 8th May, 2001 :

1. Shri Babuseth Tyre wala In pursuance of clause (h) of sub-section (3) read with sub-section (3A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.
(Babu Kambath Subramuniam), Businessman, Paver Nivas, Savarkar Marg, Vasant Tekkady, Ahmednagar, (Maharashtra).
2. Smt. Sukhda Mishra, -do- Ex-Minister, U.P. and Ex-M.P., B-62/72, IFS Flats, Mayur Vihar, Phase-I, Delhi

[F. No. 9/17/2000-B.O.-I.(v)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 8 मई, 2001

का.आ.1090.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3क) की उपधारा 3 के खंड (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री हिम्मत सिंह सिन्घवी, कृषक एवं व्यवसायी, छाबड़ा, जिला बारन (राजस्थान) को 8 मई, 2001 से तीन वर्ष की अवधि के लिए इंडियन ओवरसीज बैंक के बोर्ड में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/17/2000-बी.ओ.-I(vi)]
रमेश चन्द, अव्वर सचिव

New Delhi, the 8th May, 2001

S.O. 1090.—In exercise of the powers conferred by clause (h) of sub-section (3), sub-section (3A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Himmat Singh Singhvi, Farmer and Businessman, Chhabra, Distt. Baran (Rajasthan) as a part-time non-official director on the Board of Indian Overseas Bank for a period of three years with effect from 8th May, 2001.

[F. No. 9/17/2000-B.O.I. (vi)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 15 मई, 2001

का.आ. 1091.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2002 तक कयोझर सेट्टल को-ऑपरेटिव बैंक लि., उड़ीसा पर लागू नहीं होंगे।

[फा. सं. 1(6)/2001-एसी]
एल. सी. टूरा, अव्वर सचिव

New Delhi, the 15th May, 2001

S.O. 1091.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Keonjhar Central Co-operative

Bank Ltd., Orissa from the date of publication of this notification in the Official Gazette to 31st March 2002.

[F. No. 1(6)/2001-AC]
L. C. TOORA, Under Secy.

नई दिल्ली, 15 मई, 2001

का.आ. 1092.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2003 तक खगारिया को-ऑपरेटिव एपेक्स बैंक लि., बिहार पर लागू नहीं होंगे।

[फा. सं. 1(7)/2001-एसी]
एल. सी. टूरा, अव्वर सचिव

New Delhi, the 15th May, 2001

S.O. 1092.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Khagaria Co-operative Apex Bank Ltd., Bihar from the date of publication of this notification in the Official Gazette to 31st March, 2003.

[F. No. 1(7)/2001-AC]
L. C. TOORA, Under Secy.

नई दिल्ली, 15 मई, 2001

का.आ. 1093.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2002 तक जिला सहकारी केन्द्रीय बैंक मर्यादित दुर्ग, मध्य प्रदेश पर लागू नहीं होंगे।

[फा. सं. 1(8)/2001-एसी]
एल. सी. टूरा, अव्वर सचिव

New Delhi, the 15th May, 2001

S.O. 1093.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949

(10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Jila Sahakaria Kendriya Bank Maryadit, Durg, Madhya Pradesh from the date of publication of this notification in the Official Gazette to 31 March 2002.

[F. No. 1(8)|2001-AC]

L. C. TOORA, Under Secy.

नई दिल्ली, 15 मई, 2001

का.ग्रा.1094—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2003 तक जिला कोऑपरेटिव सेंट्रल बैंक लि., विजयनगरम, आन्ध्र प्रदेश पर लागू नहीं होंगे।

[फा. सं. 1(9) 2001-एसी]

एल. सी. टूरा, अवर सचिव

New Delhi, the 15th May, 2001

S.O. 1094.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the District Co-operative Central Bank Ltd., Vizianagram, Andhra Pradesh from the date of publication of this notification in the Official Gazette to 31st March 2003.

[F. No. 1(9)2001-AC]

L. C. TOORA, Under Secy.

नई दिल्ली, 15 मई, 2001

का.ग्रा.1095—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उप-सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2003 तक जिला सहकारी केन्द्रीय बैंक मर्यादित, बेटुल, मध्य प्रदेश पर लागू नहीं होंगे।

[फा. सं. 1(10)/2001-एसी]

एल. सी. टूरा, अवर सचिव

New Delhi, the 15th May, 2001

S.O. 1095.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Jila Sahakari Kendriya Bank Maryadit, Betul, Madhya Pradesh from the date of publication of this notification in the Official Gazette to 31st March 2003.

[F. No. 1(10)|2001-AC]

L. C. TOORA, Under Secy.

नई दिल्ली, 17 मई, 2001

का.ग्रा.1096—बैंककारी विनियमन अधिनियम, 1949 की धारा 53 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर यह विनिर्दिष्ट करती है कि बैंककारी विनियमन अधिनियम, 1949 की धारा 15 की उपधारा (1) के उपबन्ध सरकारी क्षेत्र के बैंकों पर उस सीमा तक लागू नहीं होंगे जहां तक स्वैच्छिक सेवानिवृत्ति योजना से संबंधित व्यय को वित्तीय वर्ष 2000-2001 के लिए ग्राम्यगत राजस्व व्यय के रूप में माने जाने से है।

[फा.सं. 13/4/2001-बीओए]

डी. चौधरी, अवर सचिव

New Delhi, the 17th May, 2001

S.O. 1096.—In exercise of the powers conferred under Section 53 of the Banking Regulation Act, 1949, the Central Government, on the recommendation of the Reserve Bank of India, specifies that the provision of sub-section (1) of Section 15 of the Banking Regulation Act, 1949, shall not apply to the public sector banks in so far as treatment of the expenditure related to the Voluntary Retirement Scheme being treated as Deferred Revenue Expenditure, for the financial year 2000-2001.

[F. Ni. 13/4|2001-BOA]

D. CHOUDHURY, Under Secy.

वाणिज्य और उद्योग मंत्रालय

आदेश

नई दिल्ली, 11 मई, 2001

का.ग्रा.1097.—केन्द्रीय सरकार की निर्यात (क्वा-लिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह राय है कि भारत के निर्यात व्यापार के विकास के

लिए ऐसा करना आवश्यक और समीचीन है कि शहद को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाया जाय ;

और केंद्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए है, जिसमें प्राकृतिक नियम (उपबंध) है और उन्हे निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षा अनुसार निर्यात निरीक्षण परिषद को भेज दिया है ;

अतः अब, केंद्रीय सरकार, उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को, ऐसे व्यक्तियों की जानकारी के लिए प्रकाशित करती है, जिनके उनमें प्रभावित होने की संभावना है ।

2. यह सूचना दी जाती है कि ऐसा कोई व्यक्ति जो उक्त प्रस्तावों के संबंध में कोई आपेक्ष या सुझाव देना चाहता है तो वह उन्हें इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिन के भीतर निर्यात निरीक्षण परिषद, 11वीं मंजिल, प्रगति टावर, 26, राजेन्द्र प्लेस, नई दिल्ली-8 को भेज सकता है ।

प्रस्ताव

1. यह अधिसूचित करना कि शहद, निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होगा ।

2. क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आदेश से संलग्न उपबंध में वर्णित शहद निर्यात (क्वालिटी नियंत्रण निरीक्षण और मानीटरिंग) नियम, 2001 के प्राकृतिक के अनुसार ऐसे क्वालिटी नियंत्रण, निरीक्षण और मानीटरिंग के प्रकार को ऐसे रूप में करना जो ऐसे शहद के उत्पादों पर निर्यात से पूर्व लागू होगा ।

3. इस आदेश से संलग्न अनुसूची में यथा उपर्युक्त नमूने लेना, समान योजना और नमूने लेने के अभिलेखों के लिए मानकों, निरीक्षण और प्रमाणीकरण को शहद के लिए मानक विधियों के रूप में स्थापित देना ।

4. अंतर्राष्ट्रीय व्यापार के दौरान किसी इकाई द्वारा शहद के निर्यात को तब तक प्रतिबंधित करना जब तक वह इसे लागू मानकों के अनुरूप न हो, और जब तक इसके साथ यह अभ्यन करते हुए यह प्रमाण पत्र न लगा हो कि ऐसी इकाई निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित निर्यात निरीक्षण अधिकरण द्वारा अनुमोदित है और मानीटर किया जा रहा है ।

5. इस आदेश की कोई भी बात प्राचीन क्रेताओं को भू-मार्ग, जल मार्ग, वायु मार्ग द्वारा शहद के उन सदस्यी नमूनों के निर्यात पर लागू नहीं होगी जिसका मूल्य सम्य-समय पर एक्विवेलेंट में तथा अधिकतम अनुमोदित सीमा से अधिक

नहीं होगा, और जहां ऐसे उपबंध विद्यमान नहीं है, वहां निःशुल्क नमूने (नों) का मूल्य रु. 1000/- से अधिक नहीं होगा ।

6. इस प्रस्ताव में शहद या मीठे पदार्थ से निम्नलिखित अभिप्रेत है —

(i) यह मधु मक्खियों द्वारा पुष्प मकरंद या पौधों के जीवित भागों के साथ से बनाया जाता है तथा जिसका मक्खियां संग्रहण करती हैं, रूपान्तरण करती हैं अपने विशेष तत्वों में सम्मिश्रित करती हैं, जमा करती हैं, प्राकृतिक रूप से सुखती हैं व उनका संभरण करती हैं और उसे शहद के छत्तों में तरल, बिस्कोस या दानेदार रूप में तैयार होने या पकने के लिए छोड़ देती हैं ।

(ii) यह अंडों से रहित बिना ढक्कन वाले छत्तों के अपकेन्द्रिकरण से अभिप्राप्त किया जाता है ।

(iii) यह मध्यम ताप का प्रयोग करके या किए बिना अंडों में रहित छत्तों से अधिप्राप्त किया जाता है ।

(iv) यह बिना ढक्कन वाले अंडे रहित छत्तों को निचोड़ कर अभिप्राप्त किया जाता है ।

(v) यह पौधों के मकरंद से निर्धारित किया जाता है,

(iv) यह मुख्य रूप से पौधों के जीवित भागों को चूसने वाले कीटों (हैमीपटेरा) के मलोत्सर्जन या पौधों के जीवित भागों के स्त्राव से निर्धारित किया जाता है ।

अनुसूची

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा के खंड (ग) के अनुसार शहद के लिए मान्यता प्राप्त विनिर्देश निम्नलिखित होंगे :

(क) आयातकर्ता देशों के राष्ट्रीय मानक ।

(ख) विदेशी क्रेता और निर्यातकों के बीच संविदात्मक विनिर्देश, परन्तु ये आयातकर्ता देशों की स्वास्थ्य संबंधी और अन्य आवश्यकताओं का समाधान करते हैं ।

(ग) उपरोक्त (क) या (ख) की अनुपस्थिति में इस आदेश की अनुसूची में परिशिष्ट के रूप में अधिसूचित न्यूनतम विनिर्देश ।

परिशिष्ट

निर्यात के लिए शहद के मानक तथा परीक्षण प्रक्रियाएँ

1.0 भारत से शहद का निर्यात इसमें विहित सभी मानकों और परीक्षण प्रक्रियाओं के अनुरूप होगा। यह बाणिज्य मंत्रालय के आदेश सं. 4/2/97—ईपी(कृषि)—IV तारीख 18 दिसम्बर, 1998 में यथा विहित शहद के निर्यात के लिए सभी प्रक्रियाओं, मानकों और परीक्षण प्रक्रियाओं को अधिकान्त करता है।

2.0 शहद के निर्यात के लिए मानक

2.1 परिभाषा

- (i) शहद एक प्राकृतिक मीठा पदार्थ है जिसे मधुमक्खी द्वारा पुष्प मकरंद या पौधों के जीवित भागों के स्रावों से तैयार किया जाता है और जिसे मधु मक्खियाँ संग्रहित करती हैं, रूपांतरित करती हैं, अपने विशिष्ट तत्वों से सम्मिश्रित करती हैं, जमा करती हैं, प्राकृतिक रूप से सुखाती हैं, और उमाहा संभरण करती हैं तथा उसे शहद के छत्तों में तैयार होने और पकने के लिए छोड़ देती हैं। यह खाद्य पदार्थ तरल, विस्कास या दानेदार हो सकेगा।
- (ii) निष्कषित शहद ऐसा शहद है जिसे केवल बिना ठक्कन वाले जड़ों से रहित छत्तों के अपकेन्द्रीकरण से अभिप्राप्त किया जाता है।
- (iii) दबाया हुआ शहद केवल मध्यम ताप का प्रयोग करके या किए बिना ठाकन रहित छत्तों को दबाकर प्राप्त किया जाता है।
- (iv) निचोड़ा हुआ शहद केवल ठक्कन रहित छत्तों को निचोड़ कर प्राप्त किया जाता है।
- (v) पुष्प का शहद या मकरंद शहद वह शहद है जो पौधों के मकरंद से प्राप्त किया जाता है।
- (vi) मधुरस शहद वह शहद है जिसे मुख्यतः पौधों के जीवित भागों को चूमने वाले कीटों (हेमीप्टेरा) के मलोत्सर्जन या पौधों के जीवित भागों के स्राव से प्राप्त किया जाता है।

2.2 साधारण लक्षण

शहद को अडे रहित छत्तों से निष्कषित किया जाना चाहिए और उसे सील किए गए छत्ता में, छत्तादात्री में प्राकृतिक रूप में पकने देना चाहिए। इसका वासक और सुगंध बहुत कुछ पौधे के उद्गम पर निर्भर करेगा। यद्यपि—इसमें किसी प्रकार का विजातीय स्वाद या सुगंध नहीं होगा,

—इसमें किसी प्रकार का खामीर या फेन नहीं होगा।

—इसको उस सीमा तक गर्म नहीं किया गया होगा, जिससे कि इसके प्राकृतिक एनजाइम नष्ट या निष्क्रिय हो जाएं।

—इसमें कोई अप्राकृतिक रूप से परिवर्तित अम्लता नहीं होगी,

—इसमें किसी ऐसी मात्रा में कोई ऐसे पदार्थ नहीं होंगे जिनसे मानव स्वास्थ्य को नुकसान हो।

2.3 सम्मिश्रण और क्वालिटी

	मधुवाटिका/निष्कषित	निचोड़ा/दबाया हुआ/वहाया हुआ
लघुकारक शक्कर अंतर्वस्तु (न्यूनतम)	65 प्रतिशत	65 प्रतिशत
आर्द्रता की मात्रा (अधिकतम)	20 प्रतिशत	23 प्रतिशत
प्रकटोस/ग्लूकोज (न्यूनतम)	0.95	0.95
जल में अशुद्धनशील ठोस अंतर्वस्तु	0.1 प्रतिशत से अधिक नहीं	0.5 प्रतिशत से अधिक नहीं
खनिज पदार्थ (राश))	0.5 प्रतिशत से अधिक नहीं	0.6 प्रतिशत से अधिक नहीं
सुक्रोस	5 प्रतिशत अधिकतम	5 प्रतिशत अधिकतम
अम्लीयता	प्रति एक हजार ग्राम में 20 मिली समतुल्य अम्ल से अधिक नहीं (0.2 प्रतिशत)	प्रति 1000, ग्राम में 40 मिली समतुल्य अम्ल से अधिक नहीं (0.4 प्रतिशत)

2.4 डायस्टेस क्रिस्टलीकृत (स्कड स्कोल)	मानक रूप में 8 मि.मी. कम प्राकृतिक एनजाइम अंतर्वस्तु वाले गहद में 3 से कम नदी और एच एम एफ 15 मि.ग्रा./कि. ग्रा. प्रमाण	मानक रूप में 8 मि.मी. कम प्राकृतिक एनजाइम अंतर्वस्तु वाले गहद में 3 से कम नदी और एच एम एफ 15 मि.ग्रा./ कि. ग्रा. की दर पर कम एनजाइम अंतर्वस्तु लेबल पर घोषित हो जा सकेगी।
2.5 हार्डडोसनीमियाइल फ्लोरफ्लोर, अंतर्वस्तु (एच एम एफ)	20 मि. ग्रा./कि. ग्रा. से अधिक नदी	40 मि. ग्रा./कि. ग्रा. से अधिक नदी
2.6 रंग	नग्नमय रंग रहित स गहना भूरा	
2.7 खाद्य योग्यता	अनुज्ञात नदी	
2.8 पशु औषधि अन्य पदार्थ	उसमें पशु औषधि और संदूषण नदी होता न हो।	
पर्यावरणीय तत्व, यन्त्र, रसायन	(i) फिटीरिंग प्रतिक्रिया परीक्षा जिनमें एस्कोनोमाउडस और क्वीनोबोनेस सम्मिलित है। (ii) क्वीनोबोनेस और पेरेग्रोएड (iii) प्रोप्रीटीरिंग संयोजन, पीपीवीएम सहित (iv) आर्गोनीकफोरेस संयोजन (v) पर्यावरणीय तत्व	
2.9 निम्नान	उपाद को केवल नदी गहद का नाम दिया जा सकता है, जब वह 2.3 से 2.7 और 2.10 के उपबन्धों का पालन करता है। गहद के समरूप और पीपी शर्करी, गहद के अंतर्वस्तु नदी प्राप्ति।	
	(i) किसी भी गहद को उसके अनुपरी नामों में तब तक नामनिर्दिष्ट नदी किया जाएगा जब तक कि उसमें अंतर्वस्तु समुचित विवरणों के अनुरूप न हो।	
	(ii) गहद को पुष्प या पादप स्त्रोत के अनुसार तब नामित किया जा सकेगा यदि यह पूर्ण है या मुख्य रूप में दिग्विष्ट स्त्रोत में आता है और उसमें स्त्रोत के तत्सुधी आर्गोनीकफोरेस फिजिओकैमिकल आर मूक्षमदर्शी जैसी विशेषताएं हैं। गहद के पराग और पादप तत्व की कुल गणना के लिए भारतीय मानक भा. मा. 4911 1991 (उपावध—1) के उपावध में दी गई रीति द्वारा तथा अवधारित स्त्रोत की कुल पराग अंतर्वस्तु 45% से कम नहीं होगी।	
	(iii) जहां पर गहद को पुष्प या पादप स्त्रोत के अनुसार नामित किया गया है, वहां पुष्प स्त्रोत का प्रचलित नाम वास्तविकता “गहद” शब्द में मिलता जुलता होगा।	
	(iv) गहद को प्रत्यक्ष की रीति के अनुसार नाम दिया जाएगा, निम्नलिखित गहद, निबोडो गहद, दबारा हुआ गहद या खोचा गया गहद ;	
	(v) लेबलों पर पुचन, जैसा कि पैकेज पूर्व खाद्य की लेबलिंग के लिए साधारण ज्ञानको में अथाविनिर्दिष्ट के अनुसार आधान पर या साथ जाने वाले दस्तावेजों पर दी जाएगी, मिथाइल इसके कि उत्पाद का नाम, लॉट की पहचान और विनिर्माता या पैक करने वाले का नाम और पता आधानों पर दर्शाया जाएगा।	
	(vi) आधानकर्ता द्वारा अपेक्षित कोई भी अन्य चिन्ह।	

जहाँ-पदार्थों में मका
है

गहद का जैसा देखा जाता है, उसमें किसी खाद्य अणु या अन्य पदार्थ को नहीं
मिलाया जाएगा। यह प्रतीप शर्करी या गहद के समरूपों से मुक्त
होगा। गहद के प्रसंस्करण और भंडारण के दौरान कोई आपत्तिजनक गंध या स्वाद
या बाहरी तत्व नहीं पाया जाएगा। गहद में किन्वत या बुदबुदाहट आरम्भ नहीं
होगी। आपत्तिजनक पदार्थ को हटाने के लिए छानना अनुज्ञात है, परन्तु यह कि
गहद में उसकी लक्षण प्रदान करने वाले परमाणु पदार्थों को हटाया नहीं जा
सकेगा।

3.00 परीक्षण प्रक्रिया

3.1 शहद के परीक्षण के लिए प्रक्रिया निम्न प्रकार होगी। नमूने/जांच नमूने, जिनका परीक्षण के लिए उपयोग किया जाता है, भारतीय मानक सं. भा. मा. 4941 : 1994 और जहां कहीं लागू हो कोडेक्स एलिमेंटेरियस कमीशन मानकों के सुसंगत उपबंधों के अधीन यथाविहित के अनुसार होंगे।

3.2 कुल अवकारक जक्कर का अवधारण

3.3 भारतीय मानक सं. भा. मा. 4941 : 1994 के उपाबंध ग/ग-1 में वर्णित प्रक्रिया के अनुसार।

3.4 नमी का अवधारण

3.5 भारतीय मानक सं. भा. मा. 4941 : 1994 के उपाबंध-ख/ख-1 (ओवन ड्राईंग रीति) और (ख-2) रिफ्रैक्टो-मीटर रीति) में वर्णित प्रक्रिया के अनुसार।

3.6 फक्टोज/ग्लूकोज अनुपात

3.7 भारतीय मानक सं. आई.एस. 4941 : 1994 के उपाबंध ग/ग-3 में वर्णित के अनुसार।

3.8 डायस्टेज क्रिया कलाप का अवधारण

3.9 कोडेक्स एलिमेंटेरियस आयोग द्वारा विहित रीति के अनुसार।

3.10 जल में घुलनशील ठोस पदार्थ अंतर्वस्तु का अवधारण

3.11 कोडेक्स एलिमेंटेरियस आयोग द्वारा विहित प्रक्रिया के अनुसार।

3.12 राख का अवधारण

3.13 भारतीय मानक सं. भा. मा. 4941 : 1994 के उपाबंध-घ में वर्णित प्रक्रिया के अनुसार।

3.14 सुक्रोस का अवधारण

3.15 भारतीय मानक सं. भा. मा. 4941 : 1994 उपाबंध-ग/ग-2 में विहित प्रक्रिया के अनुसार।

3.16 फोरमिक अम्ल के रूप में अम्लीयता का अवधारण

3.17 भारतीय मानक सं. भा. मा. 4941 : 1994 के उपाबंध-ड में विहित प्रक्रिया के अनुसार।

3.18 एच एम एफ अंतर्वस्तु का अवधारण

(i) ए.ओ.ए.सी. 980.23 विधि के अनुसार।

(ii) निम्नलिखित में से किसी विधि के अनुसार।

(क) एच.एम.एफ. का स्फोटोफोटोमीट्रिक अवधारण :— भारतीय मानक संख्या भा. मा. 4941 : 1994 में उपाबंध-च विहित में प्रक्रिया के अनुसार।

(ख) एच.पी.एल.सी. द्वारा एच.एम.एफ. का अवधारण :— कोडेक्स एलिमेंटेरियस आयोग द्वारा विहित विधि के अनुसार।

3.19 भारी तत्वों का अवधारण

(i) आर्सेनिक का अवधारण :— ए.ओ.ए.सी. संख्या 952.13 में विहित प्रक्रिया के अनुसार। कोडेक्स साधारण विधि।

(ii) तांबे का अवधारण :— ए.ओ.ए.सी. संख्या 971.20 में विहित प्रक्रिया के अनुसार (कोडेक्स साधारण विधि)।

(iii) सीसा का अवधारण :— ए.ओ.ए.सी. संख्या 972.25 में विहित प्रक्रिया के अनुसार (कोडेक्स साधारण विधि)।

3.20 कीटनाशी अवशेषों का अवधारण

विश्लेषित किए जाने वाले कीटनाशकों के नाम

(i) डी.डी. टी.

(ii) लिनडेन/बी एच सी /एच सी.एच.

(iii) इंडोस्यूल्फात

(iv) एलड्रिन

(v) क्लोरहाइड्रिमफास

(vi) कारबेन

(vii) कार्बेनडेजिम

विश्लेषण की विधियाँ

स्वास्थ्य सेवा महानिदेशक, स्वास्थ्य और परिवार कल्याण मंत्रालय, भारत, सरकार नई दिल्ली, द्वारा प्रकाशित खाद्य (कीटनाशक अवशेष) के लिए परीक्षण और विश्लेषण की विधियों का मनुप्रत्र में यथा उपर्युक्त के अनुसार।

3.21 प्रतिजैविकी की उपस्थिति का अवधारण :

विश्लेषित किए जाने वाले प्रतिजैविकी के नाम

(i) एम्फोनाइड

(ii) स्ट्रेप्टोमिसिन

(iii) क्रीनोलॉन

विश्लेषण की विधि

संफोनामाइड और स्ट्रेप्टोमाइसिन की दानत ए.ओ.ए.सी. के गोटह्वे संस्करण के भाग 1 और 2 की मद संख्या 5.1.53, 5.1.54, 5.1.55, 5.3.21, 5.3.22, 5.3.23, 5.3.24 में यथा उपर्युक्त के अनुसार क्रीनोलॉन के लिए जैसा कि वागनेटजर बीटा मेडनाईस भाग 709 इश्यू I में यथा उपर्युक्त के अनुसार।

3.22 माइक्रोटॉक्सिन की उपस्थिति का अवधारण

(i) एफनाटॉक्सिन सी-1

विश्लेषण की विधि स्वास्थ्य सेवा नई निदेशालय स्वास्थ्य और परिवार कल्याण मंत्रालय, भारत सरकार, नई दिल्ली द्वारा प्रकाशित खाद्य (एफनाटॉक्सिन) के लिए परीक्षण और विश्लेषण की पद्धति मनुप्रत्र में यथा उपर्युक्त के अनुसार।

3.23 रंगो (खाद्य रंग) की उपस्थिति का अवधारण विश्लेषण की पद्धति

महानिदेशालय स्वास्थ्य सेवा, स्वास्थ्य तथा परिवार कल्याण मंत्रालय, भारत सरकार, नई दिल्ली द्वारा प्रकाशित खाद्य (खाद्य योज्यों) के लिए परीक्षण और विश्लेषण की पद्धति मैन्युअल में यथा उपबोधित के अनुसार ।

3.24 कार्बामिड्स तथा डायरोथ्राइड की उपस्थिति का अवधारण ए ओ ए सी. की सरकारी पद्धति सं. 985.23 में यथा विहित प्रक्रिया के अनुसार ।

4.00 नमूना लेने की प्रक्रिया

(i) उपभोक्ता के पैकों के मामले में—भारतीय मानक भा. मा. 4941 : 1994 के उपाबंध में निर्धारित प्रक्रिया के अनुसार शहद के प्रतिनिधि नमूने लिए जाएंगे ।

(ii) प्रयुज पैको के मामले में
प्रारंभिक

प्रत्येक निर्यात के लिए नमूने निर्यात परेषण से लिए जाएंगे । शहद के नमूने इकट्ठे करने की प्रक्रिया उनको लेने की प्रायिकता और शहद के विश्लेषण का प्रकार और उसकी पैकिंग की प्रस्तावना निम्नलिखित है :—

नमूने लेने की प्रायिकता

जब भी माल निर्यात के लिए तैयार हो, उसके नमूने विश्लेषण के लिए लिए जाएंगे । लिए जाने वाले नमूनों की मात्रा तथा निरीक्षण कितनी बार नमूने लेने आएगा, यह निर्यात के आधार पर तय किया जाएगा । जब भी नमूना लिया जाएगा यह विभिन्न नूल के विभिन्न लाट से लिया जाएगा ।

नमूनों का संग्रहण

नमूने लिए जाने की पूरी प्रक्रिया, नमूने लेने की साधारण शर्तों को पूरा करेगी । कुछ अतिरिक्त अनुदेश नीचे दिए जा रहे हैं :—

प्राप्त नली प्राप्त नली जिसमें नमूने संग्रहित किए जाते हैं, काच या खाद्य श्रेणी के प्लास्टिक से बनी होगी । इसकी क्षमता 200 ग्राम के लगभग होनी चाहिए । यदि खाद्य श्रेणी के प्लास्टिक के थैले साजगानी पूर्वक पर्याप्त रूप से बंद किए जाएं और 200 ग्राम की न्यूनतम मात्रा सत्यापित करने के लिए उनका भार किया जाए तो खाद्य श्रेणी के प्लास्टिक थैलों का उपयोग संभव है ।

नमूना संग्रहण

तरल शहद : समूचित यंत्र से अनुमानित 200 ग्राम शहद संग्रहित किया जाना चाहिए । (स्टैन्लैस स्टील के 5 सेंटीमीटर यास की और एक मीटर लंबी नलिका शहद के डिब्बे में डालकर, रकर आधान में खाली करे और इस प्रक्रिया को तब तक रते रहना चाहिए जब तक उसमें 200 ग्राम शहद इकट्ठा हो जाए ।

दानेदार शहद : 5 सेंटीमीटर से कम व्यास का लंबी डडी ले चम्मच या ड्रिल का प्रयोग करे ।

शहद को प्राप्त नली में डालें और शहद तब तक करते रहना चाहिए जब तक कम से कम 200 ग्राम न हो जाए ।

5.00 नमूना लेने की योजना

लिए जाने वाले नमूनों की संख्या

(i) एक आधान से कम से कम दो नमूनों को लिया जाना अपेक्षित है । एक नमूना प्रयोगशाला में परीक्षण के लिए और दूसरा प्रति नमूने के लिए । यदि जांच एक से अधिक प्रयोगशालाओं में की जाती है तो उक्त प्रक्रियाओं का अनुसरण करते हुए प्रति नमूनों के साथ अतिरिक्त नमूने इकट्ठे किए जाएंगे ।

(ii) जैसे कि अनुबंध-10 में निर्देशित है प्रत्येक परेषण में से एक नमूना जो कि निर्यात के लिए प्रसस्करणकर्ता/निर्यातक द्वारा संपूर्ण विश्लेषण के समी जांच परीक्षण को पूरा करता है,

(iii) नमूना लेने की योजना के अनुसार उपबंध-10 के क्रम संख्या 1 से 6 तक के परीक्षण ।

जांच की प्रायिकता

नमूनों की कुल संख्या का 60 प्रतिशत कीटनाशक अवशेषों और एंटीबायोटिक्स के लिए नमूने की कुल संख्या का 30 प्रतिशत माइक्रोटोक्सीन अंतर्वस्तु के लिए और शेष 10 प्रतिशत रजको और गिलसरोल अंतर्वस्तु के लिए ।

नमूना भेजने और प्राप्त करने की शर्तें

नमूनों को कक्ष तापमान पर स्वास्थ्य वर्धक अवस्थाओं में साफ गिलास या खाद्य श्रेणी के प्लास्टिक जार में स्वास्थ्यकर दशाओं में अभिप्राप्त करने के पश्चात् भेजा जाना चाहिए ।

6.00 नमूना लेने के अभिलेख

नमूना लेने के अभिलेखों के लिए आवेदन और विश्लेषण के लिए आवेदन निम्नलिखित व्यंजों के अनुसार होंगे :

तारीख : नमूने ग्रहण की तारीख (दिन/मास/वर्ष)

अधिकारी जो अभिलेख : नमूने संग्रह करने वाले अधिकारी
रखे का उपनाम, नाम व पदनाम

अभिलेख : स्थानीय कार्यालय के तत्समान नमूने के अभिलेखों की संख्या ।

नमूने संग्रहण का स्थान

नाम : कम्पनी का नाम

अवस्थान : सड़क, गली, संख्या या चौराहे का नाम

उत्तरदायी : कम्पनी के उत्तरदायी व्यक्ति का उपनाम, नाम

पदनाम : कम्पनी में धारण पद

नमूना और लाट की प्रकृति

उत्पाद या किस्म और : तरल शहद या दानेदार शहद
प्रवर्ग

भाग, अंग, उत्तक या उत्पाद का ब्यौरा
 तरल उत्पाद का ब्राड या रजिस्ट्रीकृत ब्राड (यदि ऐसा है तो)
 अतिरिक्त सूचना
 उस लॉट का उद्गम जिससे
 नमूना लिया गया है
 भरण केबिनेट को अन्य उद्गम
 चिह्नित करना
 पहचान की सख्खा निम्नलिखित सभावनाओं में से किसी
 एक के अनुसार पहचान की सख्खा।
 उस मामले में जहाँ कम्पनी मधु-
 मक्खी पालक (उत्पादक) है। उस
 मामले में जहाँ कम्पनी व्यापारी है।
 लॉट के साथ प्रस्तुत उद्गम की घोषणा
 दस्तावेज
 उत्पादन आकड़े तथा लॉट का आकार
 स्ट्रेपिंग प्रत्येक अंश की पहचान करे।
 मात्रा उसी उद्गम के आधानों की क्षमता
 के साथ मात्रा
 नमूने की तारीख
 यूनिटों की मात्रा एक (1)
 प्रत्येक यूनिट का आकार 200 (दो सौ)
 मापमान प्रणाली की ग्राम
 यूनिट
 विश्लेषण का उपयोग
 यह प्रयोगशाला में उस प्रयोगशाला का नाम जहाँ
 उपयोजित किया जाता है विश्लेषण किया जाता है।
 अवधारण प्रयोगशाला में उपयोजित किए गए
 विश्लेषण की सूची

उद्गम की घोषणा

अभिलेख के आवेदन के साथ एक प्रपूज शहद के उद्गम
 की घोषणा नामक दस्तावेज अवश्य लगा होगा।

नमूना लेने की ससूचना

अधिकारी जब भी नमूना लेता है उसे प्रत्येक विश्लेषण
 के लिए, लिए गए नमूने की मात्रा की और उन्हें किस प्रयोग-
 शाला में भेजा गया है, की ससूचना देनी होगी।

दस्तावेजों का रख-रखाव

दस्तावेजों के, जिन्हें मान्यताप्राप्त प्रयोगशाला में भेजा
 जाना चाहिए, क्रमानुक्रम के सबंध में दस्तावेजों को अनुभाग
 की कार्यवाहियों के साथ समायोजित करना चाहिए।

उपाबंध

1 शिक्षित नाम और प्रारम्भ —

- (i) इन नियमों का शिक्षित नाम शहद का निर्यात
 (क्वालिटी नियंत्रण और निरीक्षण) नियम, 2001
 है।
- (ii) ये राजपत्र में अंतिम प्रकाशन की तारीख को
 प्रवृत्त होंगे।

2 परिभाषा इन नियमों के प्रयोजनों के लिए जब तक संदर्भ से
 अन्यथा अपेक्षित न हो, निम्नलिखित परिभाषा लागू
 होगी

(1) “अधिनियम” से निर्यात (क्वालिटी नियंत्रण और
 निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत
 है।

(2) “अभिकरण” से अधिनियम की धारा 7 के अधीन
 बम्बई, कलकत्ता कोचीन, दिल्ली और मद्रास में स्थापित
 कोई निर्यात निरीक्षण अधिकरण अभिप्रेत है।

(3) “बच” से शहद की ऐसी क्वालिटी अभिप्रेत है,
 जिसे समान परिस्थिति में तैयार किया गया है और विशेष
 रूप से उन्हीं एकल लगातार प्रक्रियाओं में उपचारित किया
 गया है।

(4) “प्रमाणपत्र” से अधिनियम की धारा 7 की उप-
 धारा (3) के अधीन जारी किया गया प्रमाण पत्र
 अभिप्रेत है।

(5) “सग्रह केन्द्र” से ऐसा स्थापन अभिप्रेत है, जहाँ
 पर शहद संग्रहीत किया जाता है।

(6) “परिषद” से निर्यात (क्वालिटी नियंत्रण और
 निरीक्षण) अधिनियम, 1963 की धारा 3 के अधीन
 स्थापित निर्यात निरीक्षण परिषद अभिप्रेत है।

(7) “प्रेषण देश” से भारत अभिप्रेत है।

(8) “गन्तव्य देश” से वह देश अभिप्रेत है, जिसे
 भारत से शहद का प्रेषण किया गया है।

(9) “बाजार में रखना” में शहद को विक्रय के विचार
 से स्टॉक या प्रदर्शित करना, विक्रय के लिए प्रस्थापना
 करना, खुदरा विक्रय को, जो खुदरा कारबार के लिए
 राष्ट्रीय नियमों में यथाविहित नियंत्रणों के अधीन रहते
 हुए होना चाहिए, छोड़कर प्रदाय करना या किसी अन्य रीति
 में व्ययन करना अभिप्रेत है।

3 निरीक्षण — शहद का निरीक्षण यह देखने के लिए किया
 जाएगा कि शहद केन्द्रीय सरकार द्वारा अधिनियम की धारा
 6 के अधीन मान्यताप्राप्त मानक विनिर्देशों को पूरा करता
 है, अथवा नहीं।

4 निरीक्षण की प्रक्रिया —

(1) ऐसा कोई निर्यातक जो शहद के प्रेषण का
 निर्यात करने का आशय रखता है, अभिकरण को लिखित
 में एक सूचना देगा, जिसमें निर्यात सविदा का आदेश की
 प्रति के साथ सविदाकारी विनिर्देशों का ब्यौरा भी होगा,
 जिसमें कि अभिकरण नियम 3 के अनुसार निरीक्षण करने में
 समर्थ हो सके।

(2) उपनियम (1) के अधीन दी जाने वाली प्रत्येक सूचना, ऐसे मामलों में जहाँ परिसर उसी स्टेशन पर अवस्थित है, जहाँ अभिकरण का कार्यालय अवस्थित है, निरीक्षण से कम से कम 2 दिन पूर्व और ऐसे मामलों में जहाँ परिसर उस स्टेशन पर अवस्थित नहीं है, जहाँ अभिकरण का कार्यालय अवस्थित है, निरीक्षण से कम से कम 10 दिन पूर्व दिया जाएगा।

(3) उपनियम (1) के अधीन सूचना प्राप्त होने पर, अभिकरण निर्यात के लिए आशयित शहद का इन नियमों की अनुसूची में निहित अनुदेशों के अनुसार उसके नमूने लेकर और उनका परीक्षण करके निरीक्षण करेगा।

परन्तु यह कि जहाँ किसी अभिकरण का समाधान नहीं होता, वहाँ वह निर्यातक को प्रमाण पत्र जारी करने से इंकार करेगा और ऐसे इंकार की सूचना, उसके कारणों सहित, ऐसे मामलों में जहाँ परिसर उसी स्टेशन पर अवस्थित है, जहाँ अभिकरण का कार्यालय अवस्थित है, दो दिन के भीतर और ऐसे मामलों में जहाँ परिसर उस स्टेशन पर अवस्थित नहीं है, जहाँ अभिकरण का कार्यालय अवस्थित है, 10 दिन के भीतर, निर्यातक को देगा।

परन्तु यह और कि इंकार से पूर्व प्रभावित व्यक्ति को सुनवाई का अवसर दिया जाएगा।

(4) प्रमाणीकरण के पश्चात् भी अभिकरण का किसी भी स्थान या भंडागार में प्रेषण का चाहे वह परिवहन से हो या वास्तविक पोत लदान से पूर्व किसी पोस्ट में हो, पुनर्निर्माण करने का अधिकार होगा।

(5) इनमें से किसी भी प्रक्रम पर प्रेषण के मानक विनिर्देशों के अनुरूप न पाए जाने की दशा में, मूलरूप में जारी किया गया निरीक्षण प्रमाण-पत्र प्रत्याहृत कर लिखा जाएगा।

5 पैकिंग और चिह्नांकन :—निर्यात के लिए शहद को पैक करने का आशय रखने वाला कोई निर्यातक, नियमों के अनुसार प्रेषण तैयार करने के पश्चात् शहद को चौड़े मुह वाले साफ काच के आधानों में या अम्ल प्रतिरोधी प्रलाक्षित टिन आधानों में स्वास्थ्यकर रूप में पैक करेगा। काच के आधानों के चूड़ीदार ढक्कन गैर-संश्लेषक और शहद के साथ अभिक्रिया न करने वाली सामग्री के होंगे तथा इनमें शहद को छलकने से रोकने के लिए बाणर लगी होगी।

प्रत्येक आधान पर निम्नलिखित सूचना स्पष्ट और अमिट रूप से चिह्नित की जाएगी

- (1) प्रसंस्करणकर्ता/विनिर्माता का नाम और पता
- (2) निर्यातक का नाम और पता
- (3) सामग्री का नाम और ग्रेड/वर्गनाम
- (4) बैच/लाट नंबर

****विनिर्माण/प्रसंस्करण का वर्ष, मास और तारीख सहित दृष्टांत नीचे दिया गया है —**

1 ए 10

1 : प्रसंस्करण वर्ष (200) का अंतिम अंक)

ए : प्रसंस्करण मास (प्रथम मास अर्थात् जनवरी)

10 : प्रसंस्करण की तारीख (मास का दसवा दिन)

वर्ष के मासों के लिए निम्नलिखित संक्षेपाक्षर प्रयोग किए जाएंगे।

जनवरी	—	ए
फरवरी	—	बी
मार्च	—	सी
अप्रैल	—	डी
मई	—	ई
जून	—	एफ
जुलाई	—	जी
अगस्त	—	एच
सितम्बर	—	जे
अक्टूबर	—	के
नवम्बर	—	एल
दिसम्बर	—	एम

(5) कुल भार और शुद्ध भार

(6) भारतीय उत्पाद

(7) पोत चिह्न

6 कनिष्ठ मामलों में निरीक्षण का स्थान इन नियमों के प्रयोजन के लिए निरीक्षण, निर्यातक के ऐसे परिसर में जहाँ पर निरीक्षण करने का प्रभाव किया गया है, किया जा सकेगा।

परन्तु यह कि वहाँ पर निरीक्षण की पर्याप्त सुविधाएं उपलब्ध हों।

7. निरीक्षण फीस : प्रसंस्करणकर्ता या निर्यातक अभिकरण को एक ओवी मूल्य के 0.4 प्रतिशत की दर से निरीक्षण फीस का संदाय करेगा जो कि न्यूनतम 500 रुपए प्रत्येक प्रेषण के अधीन रहने हुए होगा।

8 अपील : (क) कोई भी निर्यातकर्ता अभिकरण द्वारा प्रमाण पत्र न दिए जाने के कारण व्यथित होने पर अभिकरण के द्वारा प्रमाण पत्र न जारी किए जाने की सूचना प्राप्त होने पर 10 दिन के भीतर एक अपील कर सकेगा जिसे अभिकरण, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त न्यूनतम तीन व्यक्तियों और अधिकतम सात व्यक्तियों वाले विशेषज्ञों के पैनल को निर्दिष्ट करेगा।

(ख) पैनल के तल सदस्यों में से कम से कम दो-तिर्यक्त गैर सरकारी सदस्य होंगे।

(ग) पैकन की गणपूर्ति निम्नानुसार होगी :

- (i) तीन सदस्यों वाले पैकन की दशा में, गणपूर्ति के लिए न्यूनतम दो सदस्य अपेक्षित होंगे।
- (ii) चार सदस्यों वाले पैकन में गणपूर्ति के लिए तीन सदस्य अपेक्षित होंगे।
- (घ) इस प्रकार की शर्तों पर पैकन का निर्णय अंतिम होगा।

[फाईल नं 6/3/2000-ईआई/ईपी]

पी.के. दास, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY ORDER

New Delhi, the 11th May, 2001

S. O. 1097.—Whereas in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of the opinion that it is necessary and expedient so to do for the development of the export trade of India that honey should be subject to quality control and inspection prior to export :

And, whereas the Central Government has formulated the proposals specified below containing draft rules (Annexure) for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of the rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby;

2. Notices is hereby given that any person desiring to forward any objection and suggestion with respect to the said proposals, may forward the same within forty five days of the date of publication of this Order in the Official Gazette to the Export Inspection Council, 11th Floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSAL

1. to notify that honey shall be subjected to quality control and inspection prior to export,
2. to specify the type of quality control and inspection in accordance with draft Export of honey (Quality, Control, Inspection and Monitoring) Rules, 2001 set out in the Annexure appended to this Order as the type of Quality Control, Inspection and Monitoring which shall be applicable to such honey products prior to export,
3. to recognize the Standards, Testing and Certification, Testing procedure for sampling,

sampling plan and records of sampling as set out in Schedule appended to this Order as the standard specifications for Honey.

4. to prohibit the export of Honey by a unit in the course of international trade unless it conforms to the standards applicable to it and is accompanied by a certificate stating that such unit is approved and monitoring by the Export Inspection Agency established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).
5. Nothing in this Order shall apply to the export by land or sea or air of bonafide samples of Honey to prospective buyers, the value of which shall not exceed permissible limits as laid down in Exim Policy from time to time and where no such provision exist the value of free sample(s) not exceed Rs. 1,000/-.
6. In the proposal, honey or a sweet substance,—
 - (i) produced by the honey bees from the nectar of blossoms or secretions of living parts of plants and which the bees collect, transform combine with specific substances of their own, deposit, dehydrate naturally and store and leave to mature or ripen in honey combs in form of fluid, viscous or crystallized,
 - (ii) obtained by centrifuging decapped broodless combs ;
 - (iii) obtained by pressing broodless combs with or without the application of moderate heat ;
 - (iv) obtained by draining decapped broodless combs ;
 - (v) extracted from nectars of plants ;
 - (vi) extracted mainly from excretions of plant sucking insects (Hemiptera) on the living parts of plants or secretions of living parts of plants.

SCHEDULE

Specifications for honey recognized as per clause (c) of section 6 of the Export (Quality Control and Inspection), Act, 1963 shall be :

- (a) National Standards of the importing countries.
- (b) Contractual specifications agreed to between the foreign buyer and the exporters provided the same is satisfying the health and other requirements of the importing country.
- (c) In the absence of (a) or (b) above, the minimum specifications notified in this Order as appendix to this schedule.

APPENDIX

STANDARDS AND TESTING PROCEDURES OF HONEY FOR EXPORTS :

1.0 The export of honey from India shall conform to standards and testing procedures prescribed herein. This supersedes the procedures and standards for export of honey as contained in the Ministry of Commerce Order No. 4/2/97-EP (Agri-IV) dated the 18th December 1998.

2.0 STANDARDS FOR EXPORT OF HONEY :

2.1 Definition

(i) Honey is the natural sweet substance produced by the honey bees from the nectar of blossoms or secretions of living parts of plants and which the bees collect, transform, combine with specific substances of their own, deposit, dehydrate naturally and store and leave to mature and ripen in honey combs. This foodstuff may be fluid, viscous or crystallized;

(ii) Extracted Honey is honey only obtained by centrifuging decapped broodless combs ;

(iii) Pressed Honey is honey only obtained by pressing broodless combs with or without the application of moderate heat;

(iv) Drained Honey is honey obtained by draining decapped broodless combs ;

(v) Blossom Honey or Nectar-Honey is the honey which comes from nectars of plants;

(vi) Honeydew Honey is the honey which comes mainly from excretions of plant sucking insects (Hemiptera) on the living parts of the plants or secretions of living parts of plants.

2.2 General Characteristics

Honey must be extracted from broodless combs and should be allowed to ripen naturally in the hive in sealed combs. The flavour and aroma would vary depending on the plant origin. However, it shall not :—

- have any foreign tastes or odours;
- have begun to ferment or effervesce;
- have been heated to such an extent that its natural enzymes are destroyed or made inactive ;
- have an artificially changed acidity;
- contain substances in such quantity as to endanger human health.

2.3 Composition & Quality

	Apiary/extracted	Squeezed/Pressed/Drained
Reducing Sugar Content (Min)	65 %	65 %
Moisture content (Max)	20 %	23 %
Fructose/Glucose (Min)	0.95	0.95
Water insoluble solids content	Not more than 0.1 %	Not more than 0.5 %
Mineral substance (ash)	Not more than 0.5 %	Not more than 0.6 %
Sucrose	5 % maximum	5 % maximum
Acidity	Not more than 20 milli equivalents acid per 1000) grms (0.2 %)	Not more than 40 milli equivalents acid per 1000 grms. (0.4 %)

2.4 Diastase activity
(Schade Scale)

Not less than 8 in general, not less than 3 for Honey with low natural enzyme content* and HMF @ 15 mg/kg.

Not less than 8 in general, not less than 3 for honey with low natural enzyme Content* and HMF @ 15 mg/kg.

*Low natural enzyme content may be declared on the label.

2.5 Hydroxymethyl-furfural content (HMF)	Not more than 20 mg/kg.	Not more than 40 mg/kg.
2.6 Colour	Nearly colourless to dark brown.	
2.7 Food additives	Not permitted.	
2.8 Veterinary drug, other substances, environmental and other contaminants	<p>Veterinary drug and contaminants should not have :</p> <p>(i) Antibacterial substances, including Sulphonamides and quinolones</p> <p>(ii) Carbamates and pyrethroids</p> <p>(iii) Organochlorine compounds including PCBs</p> <p>(iv) Organophosphorus compounds</p> <p>(v) Chemical elements</p>	
2.9 Marking	<p>The product may be designated as honey only if it conforms to the provisions of 2.3 to 2.7 and 2.10. Honey shall not cover honey analogues and invert sugar.</p> <p>(i) No honey may be designated by any of the subsidiary designations unless it conforms to the appropriate descriptions contained therein. Honey may be designated by the name of the geographical or topographical region if it has been produced exclusively within the area referred to.</p> <p>(ii) Honey may be designated according to floral or plant source, if it comes wholly or mainly from that particular source and has the organoleptic, Physicochemical and microscopic properties corresponding with that origin. The minimum pollen content of the source shall be not less than 45 % as determined by the method given in Annex-G of the Indian Standards IS : 4941 : 1994 (Annex-I) for the total count of pollens and plant elements in honey.</p> <p>(iii) Where honey has been designated according to floral or plant source, the common name or the botanical name of the floral source shall be in close proximity to the word "Honey".</p> <p>(iv) Honey shall be designated according to the method of processing- Extracted Honey, Squeezed Honey, Pressed Honey or Dried Honey.</p> <p>(v) Information on labelling as specified in the General Standard for the labelling or Prepackaged Foods, shall be given either on the container or in accompanying documents, except that the name of the product, lot, identification and the name and address of the manufacturer or packer shall appear on the container</p> <p>(vi) Any other marking required by importer.</p>	
2.10 Freedom from foreign matter	<p>Honey sold as such shall not have added to it any food ingredient or other substance. It shall be free from invert sugar or honey analog. Honey shall not have any objectionable flavour, aroma or taint absorbed from foreign matter during its processing and storage. The honey shall not have begun to ferment or effervesce. Filtration is permitted to remove objectionable matter provided sufficient pollen grains which characterize the honey are retained.</p>	

3.00 Testing Procedure :

- 3.1 The procedure for testing of honey shall be as indicated below. The samples/test samples utilised for conduct of tests shall be as prescribed under the relevant provisions of Indian Standards No. IS:4941:1994 and Codex Alimentarius Commission Standards, where applicable.
- 3.2 Determination of Total Reducing Sugars
- 3.3 As per procedure given in Annex-C/C-1 of Indian Standards No. IS:4941:1994.
- 3.4 Determination of Moisture
- 3.5 As per procedure given in Annex-B/B-1 (Oven drying method) and B-2 (Refractometer Method) of Indian Standards No. IS:4941:1994.
- 3.6 Fructose/Glucose Ratio
- 3.7 As per procedure given in Annex-C/C-3 of Indian Standards No. IS:4941:1994
- 3.8 Determination of Diastase Activity
- 3.9 As per method prescribed by Codex alimentarius commission
- 3.10 Determination of Water-Insoluble Solids Content
- 3.11 As per procedure method prescribed by Codex Alimentarius Commission
- 3.12 Determination of Ash
- 3.13 As per procedure given in Annex-D of Indian Standards No. IS:4941:1994
- 3.14 Determination of Sucrose
- 3.15 As per procedure given in Annex-C/C-2 of Indian Standards No. IS:4941:1994
- 3.16 Determination of Acidity as formic acid
- 3.17 As per procedure given in Annex-E of Indian Standards No. IS:4941:1994
- 3.18 Determination of HMF Content
- (i) As per AOAC 980.23 method (or)
- (ii) either of the following methods :
- (a) Spectrophotometric determination of HMF: As per procedure given in Annex-F of Indian Standards No. IS:4941:1994;
- (b) Determination of HMF by HPLC (As per method prescribed by Codex alimentarius commission)
- 3.19 Determination of Heavy Elements
- (i) Determination of Arsenic : As per procedure given in AOAC No. 952.13 (Codex general method)
- (ii) Determination of Copper : As per procedure given in AOAC No. 971.20 (Codex general method)

- (iii) Determination of Lead : As per procedure given in AOAC No. 972.25 (Codex general method)

3.20 Determination of Pesticide Residues :

Names of pesticides to be analysed

- (i) DDT
- (ii) Lindane/BHC/HCH
- (iii) Endosulfan
- (iv) Aldrin
- (v) Chlordimeform
- (vi) Carbarly
- (vii) Carbendanzim

Method of Analysis :

As provided for in the Manual of Methods of Tests and Analysis for Food (Insecticide Residues) Published by Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, New Delhi.

3.21 Determination of Presence of Antibiotics

Names of Antibiotics to be analysed :

- (i) Sulphonamide
- (ii) Streptomycin
- (iii) Quinolone

Method of Analysis :

As provided for in the Official method of analysis of AOAC International 16th Edition, Vol. I & II Items at 5.1.53, 5.1.54, 5.1.55, 5.3.21, 5.3.22, 5.3.23 5.3.24 in respect of sulphonamide and streptomycin. For Quinolone as provided for in J-Chrometogr B Biomed Sci, Appl. Volume 709, Issue 1.

3.22 Determination of Presence of Mycotoxins

- (i) Aflatoxin B1

Method of analysis :

As provided for in the Manual of Method of Tests and Analysis for Food (Aflatoxin) Published by Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, New Delhi.

3.23 Determination of Presence of Dyes (Food Colours)**Method of analysis :**

As provided for in the Manual of Methods of Tests and Analysis for Food (Food Additives) Published by Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, New Delhi.

3.24 Determination of Presence of Carbamates and Dyrthroicds

As per procedure given in AOAC Official Method No. 985.23

4.00 Procedure for Sampling

(i) In the case of consumer packs : Representative samples of the honey shall be drawn according to the method prescribed in Annex-J of Indian Standards IS : 4941:1994.

(ii) In the case of Bulk Packings :

INTRODUCTION

The samples will be taken from the export consignments for every exports. The Procedure the frequency of the collection of sample and the kind of analysis which will be performed for the Honey, packed in bulk as given below :

FREQUENCY OF THE SAMPLING

Whenever the consignment is ready for export sample should be taken for analysis. The quantity of samples to be taken and the number of times the inspector would come to collect the sample would be on the basis of exports.

Every time the sample is taken, it must be from different lots of different origin.

COLLECTION OF SAMPLES

All the process must be adjusted to the general conditions of sampling. A few additional instructions are given below :

Recipients : The recipients in which the samples are collected must be made of glass or food grade plastic. The capacity should be around 200 gms. It is also possible to use food grade plastic bags if one is cautious to close them adequately and weigh them to verify a minimum quantity of 200 gms.

Sample collection :

Liquid Honey : Collect approximately 200gms. of honey with an appropriate instrument (a stainless steel pipe 5 cm. Diameter and 1m. long), dipped in the container of honey and emptied in the bottle. The procedure can be repeated as many times till 200 gms. of honey is collected.

Crystallized Honey : Introduce a drill or a long handle spoon of diameter less than 5 cm. Place the honey in a recipient and repeat till you get at least 200 gms.

5.00 Sampling Plan

No. of Samples to be drawn :

(i) Minimum two samples from one container are required to be drawn-One sample for the tests in laboratory and another as contra samples. In case testing has to be done in more than one laboratory additional samples along with contra samples can be collected following the said procedure.

(ii) One sample from each container load mean for export from processor/exporter for complete analysis of all tests indicated in Annex-10.

(iii) Tests at SI Nos. 1 to 6 of Annex-10 as per sampling plan.

FREQUENCY OF CHECKS :

60% of total no. of samples for pesticide residues and antibiotics, 30% of total no. of samples for Mycotoxins contents and rest. 10% for Dyes and Glycerol content.

CONDITIONS FOR SENDING AND RECEIVING THE SAMPLES

The samples have to be sent in a room temperature after obtaining in hygienic conditions in clean glass or food grade plastic jars.

6.00 Records of Sampling

The application form for the records of sampling and application for analysis must be completed according to the following details :

Date : Date (DD/MM/YY) in which the sample is collected

Officer : Surname, Name and Post of the officer who takes the sample

Record : Number of record of sampling corresponding to the local office

Place of collection of the sample :

Name : Name of the company

Location : Road, Street, Number or crossing of Streets

Responsible : Surname, Name of the responsible person in the company

Designation : Post held in the company

Nature of the lot and the sample :

Product or variety and category : Liquid Honey of Crystallized Honey

Part, Organ, Tissue or Fluid : Product Detail

Brand of the product or additional information : Registered Brand (If so)

Origin of the sampling lot :

Mark the filling cabinet : Another origin

No. of Identification : No. of identification according to one of the following possibilities

In case the company is Apicultural Producer)

In case the company is Trader

Documents presented with the lot : Declaration of origin

Production data and the size of the lot :

Strapping : Identify each fraction

Quantity : Quantity of containers with capacity from the same origin.

Date of the sample :

Quantity of units : one (1)

Size of each unit : 200 (Two Hundred)

System of : gm.

measurement of the unit :

Application of the analysis :

It is applied to the laboratory : Name of the Laboratory who does the analysis

Determination : List of analysis applied to that laboratory.

DECLARATION OF ORIGIN

The record-application must enclose a document named Declaration of Origin of the Bulk Honey, as per :

COMMUNICATION OF THE SAMPLING

As and when the officer takes samples, he has to communicate the quantity of samples taken for each analysis, and to which laboratory that has been sent.

HANDLING OF DOCUMENTATION

The documents should adjust to the proceeding in the section regarding order of the documents, which should be sent to recognized labs.

ANNEXURE

1. Short Title and Commencement :

(i) These rules may be called the Export of Honey (Quality Control and Inspection) Rules, 2001.

(ii) They shall come into force on the date of their final publication in the Official Gazette.

2. Definition :

For the purpose these rules unless the contexts otherwise requires, the following definitions shall be applicable;

- (1) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);
- (2) "Agency" means any one of the Export-Inspection Agency at Bombay, Calcutta, Cochin, Delhi and Madras established section 7 of the Act;
- (3) "Batch" means a quantity of honey which have been prepared under the same conditions and in particular treated in single continuous operation;
- (4) "Certificate" means certificate issued under sub-section (3) of section 7 of the Act;
- (5) "Collection Centre" means an establishment where honey may be collected.
- (6) "Council" means Export Inspection Council established under section 3 of the Export (Quality Control and Inspection) Act, 1963;
- (7) "Country of Despatch" means India;
- (8) "Country of Destination" means the country to which honey is dispatched from India;
- (9) "Placing on the market" means the stocking or display with a view to sale, offering for sale, delivery or any other manner of disposal with the exception of retail sale, which must be subject to the checks laid down by national rules for retail business.

3. Inspection :

The inspection of honey shall be carried out that the same conforms to the standard specifications recognized by the Central Government under Section 6 of the Act.

4. Procedure of Inspection :

- (1) An exporter intending to export a consignment of honey shall give an intimation in writing to the Agency furnishing therein

detail of the contractual specifications along with a copy of the export contract or order to enable the Agency to carry out inspection in accordance with rule 3.

- (2) Every intimation under sub rule (1) shall be given not less than 2 days before the inspection to be carried out at the premises situated at the same station where the office of the Agency is located and not less than 10 days before the inspection to be carried out at the premises which are not situated at the premises or which are not situated at the same station where the office of the Agency is located.

- (3) On receipt of intimation under the sub-rule (1), the agency shall carry out the inspection of honey meant for export by drawing samples as per the instructions contained in schedule to these rules and test the same

Provided that where the Agency is not satisfied, it shall refuse to issue a certificate to the exporter and shall communicate such refusal within two days if the inspection is carried out in the station where the Agency is situated or 10 days, if the premises are not situated in the same station where the Agency is located, as the case may be to the exporter alongwith the reasons thereof,

Provided further that before the refusal, the affected person shall be given an opportunity of hearing.

- (4) Subsequent to certification, the Agency shall have the right to reassess the quality of the

consignment at any place or storage, in transit or at the ports before its actual shipment;

- (5) In the event of the consignment being found not conforming to the standard specifications at any of these stages, the certificate of inspection originally issued shall be withdrawn.

5. PACKING AND MARKING

An exporter intending to pack honey for export after preparing the consignment as per the rules shall pack in hygienically clean wide mouth, glass containers or in acid resistant lacquered tin containers. The screw caps for the glass container shall be non corrosive and non reactive material to honey and shall be provided with washers to avoid spilling.

Each container shall be legibly and indelibly marked with the following information :

1. Name and address of processor/manufacturer.
2. Name and address of the exporter.
3. Name of the material and grade designation.
4. Batch/Lot number**

** (including year, month and date of processing/manufacturing). The illustration is given below :—
1 A 10

1 : year of processing (the last digit of 2001)

A : months of processing (first month i.e. January)

10 : date of processing (tenth day of the month)

The following abbreviations shall be used for the month of the year.

January—A

February—B

March C

April—D

May—E

(c) The quorum of the Panel shall be :

June—F

(i) In case the panel consist of 3 members, minimum two members are required to complete the Quorum.

July—G

August—H

(ii) 4 member panel will require 3 members to complete the Quorum.

September—J

October—K

(d) The decision of the Panel on such appeal shall be final.

November—L

[F.No. 6/3/2000-EI&EP]

December—M

P. K. DAS, Director

5. Gross weight and net weight

6. Product of India

विदेश मंत्रालय

7. Shipping mark

(सी. पी. बी. प्रभाव)

6. PLACE OF INSPECTION IN CURTAIN CASES:

नई दिल्ली, 08 मई, 2001

Inspection for the purpose of these rules may also be carried out at the premises of the exporter where the goods are offered for inspection :

Provided that adequate facilities exist therein for inspection.

का.भा. 1098.—राजनयिक कौंसली अधिकारी (समय एवं शुल्क) अधिनियम, 1948 (1948 का 41 वाँ) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास बर्लिन में श्री एन. एस. सिवाच सहायक को 08-05-2001 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/1/2000]

7. INSPECTION FEE

योगेश नारंग, उप सचिव (कोन्सुलर)

Inspection fee shall be paid by the processor or exporter to the Agency @0.4% of the fob value subject to a minimum of Rs. 500 per consignment.

MINISTRY OF EXTERNAL AFFAIRS
(C.P.V. Division)

New Delhi, the 8th May, 2001

8. APPEAL

(a) Any exporter aggrieved by the refusal of the Agency to issue the certificate of inspection may within 10 days of the receipt of the communication such refusal prefer an appeal which shall be referred by the Agency to a panel of Experts consisting of not less than three, but not more than seven persons appointed for the purpose by the Central Government.

S.O. 1098.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri N. S. Siwach, Assistant in the Embassy of India, Berlin to perform the duties of Assistant Consular Officer with effect from 08-05-2001.

[No. T. 4330/1/2000]

(b) At least two-third of the total membership of the panel shall consist of non-officials.

Y. C. NARANG, Dy. Secy. (Cons.)

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)
(पी. एम. एस. अनुभाग)
नई दिल्ली, 11 मई, 2001

का.सा. 1099.—केन्द्र सरकार दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त क्षमताओं का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद से परामर्श करने के पश्चात् उक्त अधिनियम की अनुसूची के भाग-1 में एतद्वारा निम्नलिखित और संशोधित करती है, अर्थात् :—

उक्त अनुसूची के भाग-1 में गुवाहटी विश्वविद्यालय की क्रम संख्या 28 और उससे संबंधित प्रविष्टियों के सामने कालम 2 और 3 में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी अर्थात् :—

28. गुवाहटी विश्वविद्यालय अंडोम दन्त चिकित्सा कॉलेज, अंडम के स्नातकोत्तर छात्रों एम डी एस गुवाहटी
के संबंध में गुवाहटी विश्वविद्यालय द्वारा प्रदान की गई
निम्नलिखित अर्हताएं सभी मान्यता प्राप्त दन्त चिकित्सा
अर्हताएं होंगी जब से 31 जनवरी, 2001
या उसके बाद प्रदान की गई हों :
एम डी एस (परिदन्त चिकित्सा)
एम डी एस (संरक्षी दन्त चिकित्सा)

[संख्या बी. 12018/4/2001—पी. एम. एस.]

एस. के. राज, निदेशक (एम. ई.)

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

(P.M.S. Section)

New Delhi, the 11th May, 2001

S.O. 1099.—In exercise of the powers conferred by Sub-Section (2) of Section 10 of The Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes further amendments as follows in part-I of the Schedule to the said Act namely :—

In Part-I of the said Schedule against serial number 28 of Guwahati University and the entries relating thereto the following entries in column 2 and 3 will be added, namely :—

28. Guwahati University The following dental qualifications awarded M.D.S. Guwahati
by the Guwahati University in respect of
P.G. students of Regional Dental College,
Guwahati, Assam, shall be recognised
dental qualifications if granted on or
after 13th January, 2001 :
M.D.S. (Periodontics)
M.D.S. (Conservative Dentistry)

[No. V. 12018/4/2001-PMS]

S.K. RAO, Director (ME)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 14 मई, 2001

का.भा. 1100—केन्द्रीय सरकार राजभाषा (सच के शासकीय प्रयोजनों के लिए) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में दूरदर्शन महानिदेशालय के निम्नलिखित अधीनस्थ कार्यालयों—(सूचना और प्रसारण मंत्रालय), को जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है—

1. दूरदर्शन उच्च शक्ति प्रेषित बाबमेर
2. दूरदर्शन अनुसरण केन्द्र औरंगाबाद
3. दूरदर्शन केन्द्र, दिल्ली
4. दूरदर्शन केन्द्र, इलाहाबाद

[संख्या ई.-11011/1/93-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 14th May, 2001

S.O. 1100.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rule, 1976, the Central Government hereby notify the following Subordinate Offices of the DG : Doordarshan (Ministry of Information and Broadcasting), the staff whereof more than 80 per cent have acquired the working knowledge of Hindi :—

1. High Power Transmitter, Barmer.
2. Doordarshan Maintenance Centre, Aurangabad.
3. Doordarshan Centre, Delhi.
4. Doordarshan Centre, Allahabad.

[No. F-11011/1/93-Hindi],
S. S. KATARIA, Director (OL)

पर्यटन एवं संस्कृति मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 9 मई, 2001

के उप-नियम 4 के अनुसरण में पर्यटन एवं संस्कृति मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है—

गांधी स्मृति एवं दर्शन समिति, राजघाट, नई दिल्ली।

[फा. स. 1-2/96-हिन्दी]

जय प्रकाश कर्दम, उप निदेशक (राजभाषा)

MINISTRY OF TOURISM AND CULTURE

(Department of Culture)

New Delhi, the 9th May, 2001

S.O. 1101.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for Official Purpose of the Union) Rules, 1976 the Central Government hereby notifies the following office under the Ministry of Tourism & Culture. Department of Culture, more than 80% staff of which has acquired working knowledge of Hindi :—

GANDHI SMRITI AND DARSHAN SAMITI,
RAJGHAT, NEW DELHI.

[No. F. 1-2/96-Hindi]

J. P. KARDUM, Director (OL)

नई दिल्ली, 9 मई, 2001

का.भा. 1102—केन्द्रीय सरकार, राजभाषा (सच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में पर्यटन एवं संस्कृति मंत्रालय संस्कृति विभाग के अधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है—

भारतीय मानव विज्ञान सर्वेक्षण, कोलकाता।

[फा. सं. 1-2/96 हिन्दी]

जय प्रकाश कर्दम, उप निदेशक (राजभाषा)

New Delhi, the 9th May, 2001

S.O. 1102.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for Official Purpose of the Union) Rules, 1976 the Central Government hereby notifies the following office under the Ministry of Tourism & Culture. Department of Culture, more than 80% staff of which has acquired working knowledge of Hindi :—

ANTHROPOLOGICAL SURVEY OF INDIA,
KOLKATA.

[No. F. 1-2/96-Hindi]

J. P. KARDUM, Dy. Director (OL)

का.भा. 1104—केन्द्रीय सरकार, राजभाषा (सच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 मई, 2001

का. आ. 1103.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिल नाडु राज्य में नल्लूर ई0 पी0 एस0 से प्रेम केमिको0 गैस पाइपलाइन परियोजना तक, प्राकृतिक गैस के परिवहन के लिए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक है कि उस भूमि में जिस में जिस में उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से (इक्कीस) दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, कावेरी बेसिन, नागापट्टोनम, तमिल नाडु को कर सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे सं.	क्षेत्रफल (हेक्टेयर में)
निरुवरुर	सनारगुडी	74, नल्लूर	36/1	0.00 5
			24-11	0.07.0
			24-12 बी	0.04.0
			24-14	0.03.0
			25-2 प	0.01.0
			25-3 प	0.03.0
			24-1	0 00.5
			25-1	0.00.5
			कुल	0.19.5

[सं. एल.-14014/7/01-जी. पी.]

आई. एम. एन. प्रसाद, निदेशक

Ministry of Petroleum and Natural Gas

New Delhi, the 16th May, 2001

S.O. 1103.— whereas it appears to the Central Government that it is necessary in the public interest that for the transport of natural gas from Nallur EPS to Prem Chemco Gas Pipeline Project in Tamil Nadu State, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Cauvery Basin, Nagapattinam, Tamil Nadu.

Schedule

Distr	Tehsil	Village	Survey No.	Area to be acquired for ROU in Hectare.
Tiruvarur	Mannargudi	74, Nallur	36-1	0.00.5
			24-11	0.07.0
			24-12B	0.04.0
			24-14	0.03.0
			25-2A	0.01.0
			25-3A	0.03.0
			24-1	0.00.5 G.P
			25-1	0.00.5 G.P
			Total	0.19.5

[No L-14014/7/01 GP]
I. S. N. PRASAD, Director

नई दिल्ली, 16 मई, 2001

का. आ. 1104— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में काण्डला-जामनगर-लोनी पाइपलाइन परियोजना के माध्यम से द्रव पेटोलियम गैस के परिवहन के लिए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक है कि उस भूमि में जिस में उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेटोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र , यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप से सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, डी-143/बी, कौशल्या मार्ग, बसन्त मार्ग, बनी पार्क, जयपुर, (राजस्थान) को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	खसरा नं०	का.आ.उ.के लिए अर्जित की जाने वाली भूमि हेक्टेयर में
क	ख	ग	घ	ङ
अजमेर	अजमेर	तन्दीजी	3494	0 0594
			3404	0 0871
			3386	0 0198
			3357	0 0158
			3302	0 0871
			3308	0 0158
			3284	0 1663
			3274	0 0158
			2667	0 0120
			योग	0 4791

New Delhi, the 16th May, 2001

S. O. 1104.—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Liquid Petroleum Gas through Kandla – Jamnagar – Loni Pipeline Project in the State of Rajasthan, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, D-143/B, Koshalya Marg, Basant Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Land to be acquired for R.O.U. (In Hectares)
A	B	C	D	E
Ajmer	Ajmer	Tabiji	3494	0 0594
			3404	0 0871
			3386	0 0198
			3357	0 0158
			3302	0 0871
			3308	0 0158
			3284	0 1663
			3274	0 0158
			2667	0 0120
			Total	0 4791

[No. L-14014/3/2000 GP]
I S. N. PRASAD, Director

नई दिल्ली, 16 मई, 2001

का. आ. 1105— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में काण्डला-जामनगर-लोनी पाइपलाइन परियोजना के माध्यम से द्रव पेटोलियम गैस के परिवहन के लिए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक है कि उस भूमि में जिस में उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेटोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दिये जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप से सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, डी-143/बी, कौशल्या मार्ग, बसन्त मार्ग, बनी पार्क, जयपुर, (राजस्थान) को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	खसरा नं०	का.आ.उ.के लिए अर्जित की जाने वाली भूमि हेक्टेअर में
क	ख	ग	घ	ङ
जयपुर	दूध	चक महेशपुरा	23	0.0712
			22	0.0158
			योग	0.0870

[सं. एल.-14014/3/2000-जी. पी.]

आई. एस. एन. प्रसाद, निदेशक

New Delhi, the 16th May, 2001

S. O. 1105.— whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Liquid Petroleum Gas through Kandla – Jamnagar – Loni Pipeline Project in the State of Rajasthan, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, D-143/B, Koshalya Marg, Basant Marg, Bani Park, Jaipur (Rajasthan).

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Land to be acquired for R.O.U. (In Hectares)
A	B	C	D	E
Jaipur	Dudu	Chak Maheshpura	23	0.0712
			22	0.0158
			Total	0.0870

[No. L-14014/3/2000 GP]
I. S. N. PRASAD, Director

नई दिल्ली, 16 मई, 2001

का. आ. 1106— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है, कि राजस्थान राज्य में कांडला - जामनगर - लोनी पाइपलाइन परियोजना के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार ने, कांडला - जामनगर - लोनी तरल पेट्रोलियम गैस पाइपलाइन के लिये का० आ० 241 तारीख 20.01.98 द्वारा राजस्थान राज्य सरकार से गैस अथॉरिटी ऑफ इंडिया लिमिटेड में प्रतिनियुक्त श्री दीपक सी० गुप्ता, अपर कलक्टर को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिये प्राधिकृत किया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन का० आ० 1095 तारीख 22 दिसम्बर 1998, का० आ० 1094 तारीख 22 दिसम्बर, 1998 और का० आ० 597 (अ) तारीख 24 जुलाई, 1999 द्वारा उनसे संबद्ध अनुसूचियों में विनिर्दिष्ट रीति से भूमि में उपयोग के अधिकार के अर्जन के लिये अधिसूचनाएं प्रकाशित की थी ;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) और धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधान हो जाने कि लोकहित में ऐसा करना आवश्यक है, यह निदेश करती है कि नीचे वर्णित सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचना, उक्त सारणी के स्तंभ (3) की तत्स्थनी प्रविष्टि में विनिर्दिष्ट रीति में संशोधित की जाएगी।

सारणी

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
1	का.आ. 1095, दिनांक 22 दिसम्बर, 1998	<p>पृष्ठ सं० 24 पर ग्राम औंवा तहसील आबूरोड के अन्तर्गत खसरा नं० "94" को "95" तथा खसरा नं० "482" के क्षेत्रफल "0.1450" को "0.0320" पढ़े ।</p> <p>पृष्ठ सं० 22 पर ग्राम कुई तहसील आबूरोड के अन्तर्गत खसरा नं० "301" को "280" , खसरा नं० "2" के क्षेत्रफल "0.0835" को "0.0474", खसरा नं० "84" के क्षेत्रफल "0.0474" को "0.0020", खसरा नं० "5" के क्षेत्रफल "0.4000" को "0.4909", खसरा नं० "7" के क्षेत्रफल "0.0319" को "0.0773" पढ़े तथा खसरा नं० "4" के क्षेत्रफल "0.0548" को विलोपित माना जाये ।</p> <p>पृष्ठ सं० 22 पर ग्राम तरतौली तहसील आबूरोड के अन्तर्गत खसरा नं० "398" के क्षेत्रफल "0.0020" को "0.1030", खसरा नं० "395" के क्षेत्रफल "0.0100" को "0.0950", खसरा नं० "394" के क्षेत्रफल "0.1500" को "0.1742", खसरा नं० "386" के क्षेत्रफल "0.0560" को "0.1188" खसरा नं० "387" के क्षेत्रफल "0.2180" को "0.4276" खसरा नं० "396" के क्षेत्रफल "0.1480" को "0.0475" खसरा नं० "356" के क्षेत्रफल "0.0480" को "0.0158" पढ़े तथा खसरा नं० "354" के क्षेत्रफल "0.2090", खसरा नं० "355" के क्षेत्रफल "0.0950" को विलोपित माना जाये ।</p> <p>पृष्ठ सं० 22 पर ग्राम तरतौली तहसील आबूरोड के अन्तर्गत कुल क्षेत्रफल "3.1440" को "3.3245" पढ़े ।</p> <p>और पृष्ठ सं० 21 पर ग्राम और तहसील आबूरोड के अन्तर्गत खसरा नं० "3" के क्षेत्रफल "0.0200" को</p>

सारणी

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र० 3710/1095(अ) दि. 22-12-1998 (सि. 22-12-98)	<p>"0.3410" पढ़ें तथा खसरा नं० "4" के क्षेत्रफल "0.3210" को विलोपित माना जाये ।</p> <p>पृष्ठ सं० 20 पर ग्राम फिवरली तहसील आबूरोड के अन्तर्गत खसरा नं० "979" के क्षेत्रफल "0.1600" को "0.1980", खसरा नं० "849" के क्षेत्रफल "0.1200" को "0.1220", खसरा नं० "961" को "963", खसरा नं० "906" को "1197", पढ़ें । तथा खसरा नं० "978" के क्षेत्रफल "0.0380", खसरा नं० "850" के क्षेत्रफल "0.0020" को विलोपित माना जाये ।</p>
2	का.आ. 1094(अ) दिनांक 22 दिसम्बर, 1998	<p>पृष्ठ सं० 7, 8 पर ग्राम भारजा तहसील पिण्डवाडा के अन्तर्गत खसरा नं० "690" के क्षेत्रफल "0.0500" को "0.1540", खसरा नं० "592" के क्षेत्रफल "0.4800" को "0.5660", खसरा नं० "602" के क्षेत्रफल "0.0050" को "0.1780" खसरा नं० "550" के क्षेत्रफल "0.7000" को "0.7950", खसरा नं० "539" के क्षेत्रफल "0.2640" को "0.2690", खसरा नं० "515" के क्षेत्रफल "0.2080" को "0.2090" खसरा नं० "210" के क्षेत्रफल "0.0020" को "0.3820", खसरा नं० "531" के क्षेत्रफल "0.0050" को "0.0650", खसरा नं० "701" के क्षेत्रफल "0.2240" को "0.0780" खसरा नं० "633" के क्षेत्रफल "0.2920" को "0.0900", खसरा नं० "597" के क्षेत्रफल "0.2640" को "0.0320", खसरा नं० "596" के क्षेत्रफल "0.1550" को "0.1230" खसरा नं० "532" के क्षेत्रफल "0.1600" को "0.1000", खसरा नं० "212" के क्षेत्रफल "0.4560" को "0.3160", खसरा नं० "211" के क्षेत्रफल "0.2540" को "0.0140", खसरा नं० "638" के क्षेत्रफल "0.1920" को "0.1570" पढ़ें और खसरा नं० "551"</p>

सारणी

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र० 37/1084 (अ) दि. 22-12-1998 (अ. 52.12)	के क्षेत्रफल "0.0950", खसरा नं० "538" के क्षेत्रफल "0.0050", खसरा नं० "510" के क्षेत्रफल "0.0010", खसरा नं० "593" के क्षेत्रफल "0.0760", खसरा नं० "595" के क्षेत्रफल "0.1600", खसरा नं० "582" के क्षेत्रफल "0.0010", खसरा नं० "634" के क्षेत्रफल "0.0050", खसरा नं० "504" के क्षेत्रफल "0.0800" को विलोपित माना जाये ।
	का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं० 10 पर ग्राम भारजा तहसील पिण्डवाडा के अन्तर्गत कुल क्षेत्रफल "7.7030" को "7.7130" पढ़े ।
	का.आ. 1094(अ) दिनांक 22 दिसम्बर, 1998 एवं का.आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं० 8 एवं 11 पर ग्राम भीमाना तहसील पिण्डवाडा के अन्तर्गत खसरा नं० "144" के क्षेत्रफल "1.2775" को "0.6160", खसरा नं० "148" के क्षेत्रफल "1.0500" को "1.1055", खसरा नं० "156" के क्षेत्रफल "0.1240" को "0.8060", खसरा नं० "298" के क्षेत्रफल "0.1520" को "0.1900", खसरा नं० "301" के क्षेत्रफल "0.0025" को "0.1000", खसरा नं० "340" के क्षेत्रफल "0.1040" को "0.0640" खसरा नं० "343" के क्षेत्रफल "0.1680" को "0.0430", खसरा नं० "342" के क्षेत्रफल "0.0850" को "0.2600", खसरा नं० "354" के क्षेत्रफल "0.0655" को "0.0255", खसरा नं० "355" के क्षेत्रफल "0.1720" को "0.1300" पढ़ें और खसरा नं० "299" के क्षेत्रफल "0.1000", खसरा नं० "300" के क्षेत्रफल "0.0400", खसरा नं० "344" के क्षेत्रफल "0.0040", खसरा नं० "341" के क्षेत्रफल "0.2080", खसरा नं० "356" के क्षेत्रफल "0.0350", खसरा नं० "144/1277" के क्षेत्रफल "0.0600", खसरा नं० "346" के क्षेत्रफल "0.0100" को विलोपित माना जाये ।

खसरा

<p>क्र. 10 अ. 10 (1094(अ)) दि. 22-12-1998 (खसरा) क्र. 10 अ. 10 (1097(अ)) दि. 24.7.1998 (खसरा 2:-)</p>	<p>पृष्ठ नं० 8 पर ग्राम भीमन तहसील पिण्डवाडा के अन्तर्गत कुल क्षेत्रफल "5.7405" को "5.7563" पढ़े ।</p> <p>पृष्ठ नं० 9 एवं 13 पर ग्राम भांवरा तहसील पिण्डवाडा के अन्तर्गत खसरा नं० "1992" के क्षेत्रफल "2.2000" को "2.1000" खसरा नं० "1364" के क्षेत्रफल "0.6060" को "0.4240", खसरा नं० "1304" के क्षेत्रफल "2.2650" को "1.9650" खसरा नं० "1993" के क्षेत्रफल "0.6000" को "0.7040" पढ़े ।</p> <p>क्र. 10 अ. 10 (1094(अ)) दिनांक 22 दिसम्बर, 1998</p> <p>पृष्ठ नं० 9 पर ग्राम भांवरी तहसील पिण्डवाडा के अन्तर्गत कुल क्षेत्रफल "8.4700" को "8.5910" पढ़े ।</p> <p>पृष्ठ नं० 9 पर ग्राम धनारी तहसील पिण्डवाडा के अन्तर्गत खसरा नं० "2033" के क्षेत्रफल "0.1220" को "0.1440", खसरा नं० "2032" के क्षेत्रफल "0.0300" को "0.2720", खसरा नं० "2039" के क्षेत्रफल "0.2160" को "0.1440" खसरा नं० "2014" के क्षेत्रफल "0.0900" को "0.1630", खसरा नं० "2027" के क्षेत्रफल "0.0320" को "0.0400", खसरा नं० "2015" के क्षेत्रफल "0.1200" को "0.1560" खसरा नं० "178" के क्षेत्रफल "0.0750" को "0.1200", खसरा नं० "179" के क्षेत्रफल "0.0010" को "0.0100", खसरा नं० "1945" के क्षेत्रफल "0.0040" को "0.1360", खसरा नं० "1944" के क्षेत्रफल "0.1440" को "0.0010", खसरा नं० "1952" के क्षेत्रफल "0.0500" को "0.0450", खसरा नं० "171" के क्षेत्रफल "0.0500" को "0.0060" पढ़े और खसरा नं० "2035" के क्षेत्रफल "0.0440".</p>
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क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र० 3710/1094(37) दि. 22-12-1998 (सहस्र.)	<p>खसरा नं० "2036" के क्षेत्रफल "0.1040", खसरा नं० "2038" के क्षेत्रफल "0.1160", खसरा नं० "2013" के क्षेत्रफल "0.0450", खसरा नं० "177" के क्षेत्रफल "0.0100", को विलोपित माना जाये।</p> <p>पृष्ठ सं० 9.10 पर ग्राम कोदरला तहसील पिण्डवाडा के अन्तर्गत खसरा नं० "609" के क्षेत्रफल "0.0100" को "0.1600", खसरा नं० "607" के क्षेत्रफल "0.0020" को "0.0420", खसरा नं० "577" के क्षेत्रफल "0.0250" को "0. 1000" खसरा नं० "595" के क्षेत्रफल "0.1000" को "0.1050", खसरा नं० "589" के क्षेत्रफल "0.0800" को "0.1000", खसरा नं० "586" के क्षेत्रफल "0.0125" को "0.0375" खसरा नं० "448" के क्षेत्रफल "0.0400" को "0.1810", खसरा नं० "353" के क्षेत्रफल "0.0950" को "0. 1800", खसरा नं० "364" के क्षेत्रफल "0.1400" को "0.1900", खसरा नं० "365" के क्षेत्रफल "0. 0200" को "0.0700", खसरा नं० "515" के क्षेत्रफल "0.0600" को "0.0100", खसरा नं० "599" के क्षेत्रफल "0.0700" को "0. 0400", खसरा नं० "597" के क्षेत्रफल "0.2100" को "0.1900" खसरा नं० "590" के क्षेत्रफल "0.2700" को "0.2500", खसरा नं० "412" के क्षेत्रफल "0.2500" को "0.1600", खसरा नं० "400" के क्षेत्रफल "0.1600" को "0.0600", खसरा नं० "366" के क्षेत्रफल "0.6600" को "0.6350", खसरा नं० "587" के क्षेत्रफल "0.1850" को "0.1600", पट्टे और खसरा नं० "610" के क्षेत्रफल "0.1400", खसरा नं० "516" के क्षेत्रफल "0.0250", खसरा नं० "594" के क्षेत्रफल "0.0050", खसरा नं० "411" के क्षेत्रफल "0.0010", खसरा नं० "370" के क्षेत्रफल</p>

सारणी

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र० 370/094(अ) दि. 22-12-498 (अमरी.)	<p>"0.2400", खसरा नं० "368" के क्षेत्रफल "0.0010", खसरा नं० "367" के क्षेत्रफल "0.0300", को विलोपित माना जाये ।</p> <p>पृष्ठ सं० 10 पर ग्राम रामपुरा तहसील पिण्डवाड़ा के अन्तर्गत खसरा नं० "84" के क्षेत्रफल "0.0280" को "0.0840", खसरा नं० "85" के क्षेत्रफल "0.0430" को "0.1210", खसरा नं० "81" के क्षेत्रफल "0.0690" को "0.0890" खसरा नं० "83" के क्षेत्रफल "0.0260" को "0.0610", खसरा नं० "194" के क्षेत्रफल "0.0891" को "0.0991", खसरा नं० "82" के क्षेत्रफल "0.0020" को "0.0110" खसरा नं० "52" के क्षेत्रफल "0.1396" को "0.0506", खसरा नं० "53" के क्षेत्रफल "0.1000" के "0.0360", खसरा नं० "51" के क्षेत्रफल "0.0750" को "0.0300" पढ़ें और खसरा नं० "103/2" के क्षेत्रफल "0.0100" को विलोपित माना जाये ।</p> <p>पृष्ठ सं० 12 से 14 पर ग्राम पिण्डवाड़ा तहसील पिण्डवाड़ा के अन्तर्गत खसरा नं० "16" के क्षेत्रफल "0.0050" को "0.1200" खसरा नं० "22" के क्षेत्रफल "0.0080" को "0.1750", खसरा नं० "24" के क्षेत्रफल "0.0020" को "0.0700" खसरा नं० "27" के क्षेत्रफल "0.0580" को "0.1500", खसरा नं० "102" के क्षेत्रफल "0.0960" को "0.1960", खसरा नं० "898" के क्षेत्रफल "0.6960" को "0.7700" खसरा नं० "1038" के क्षेत्रफल "0.0560" को "0.0920", खसरा नं० "28" के क्षेत्रफल "0.2320" को "0.1420", खसरा नं० "15" के क्षेत्रफल "0.3360" को "0.0700", खसरा नं० "1040" के क्षेत्रफल "0.0500" को "0.0100", खसरा नं० "1039" के क्षेत्रफल "0.0600" को "0.0400",</p>

सारणी

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र० 310/1094(अ) दि. 22-12-1998 (नकल:-)	खसरा नं० "1030" के क्षेत्रफल "0.0720" को "0.0020" खसरा नं० "129" के क्षेत्रफल "0.6200" को "0.5200" खसरा नं० "3269" को "3272", खसरा नं० "3270" को "3271", खसरा नं० "3225" को "3625", पट्टे तथा खसरा नं० "12" के क्षेत्रफल "0.0650", खसरा नं० "13" के क्षेत्रफल "0.6000", खसरा नं० "1029" के क्षेत्रफल "0.0960", खसरा नं० "1041" के क्षेत्रफल "0.0010", खसरा नं० "1043" के क्षेत्रफल "0.0720", खसरा नं० "1044" के क्षेत्रफल "0.0080" को विलोपित माना जाये। पृष्ठ सं० 14 पर ग्राम पिण्डवाडा तहसील पिण्डवाडा के अन्तर्गत कुल क्षेत्रफल "15.9330" को "16.1400" पट्टे।

[सं. एल.-14014/7/2000-जी. पी.]

आई. एस. एन. प्रसाद, निदेशक

New Delhi, the 16th May, 2001

S. O. 1106.—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of liquified petroleum gas through Kandla/Jamnagar – Loni pipeline in Rajasthan State, pipeline may be laid by Gas Authority of India Limited;

And whereas, the Government authorised Shri Deepak C. Gupta, Additional Collector on deputation from the State Government of Rajasthan to Gas Authority of India Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 for Kandla/Jamnagar – Loni LPG Pipeline Project vide S.O. No. 241 dated the 20th January, 1998;

And whereas, the Central Government vide S.O. 1095(E) dated the 22nd December, 1998; S.O. 1094 dated the 22nd December, 1998 and S.O. 597(E) dated the 24th July, 1999 published notifications under sub-section (1) of section 3 of the said Act for acquisition of right of user in the land in the manner specified in the respective schedules annexed thereto;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (1) of section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of user in Land Act, 1962 (50 of 1962), the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below may be amended in the manner specified in the corresponding entry in column (3) of the said Table.

Table

S.No	Notification & Date	Amendment
1	S.O. 1095(E) dated the 22 nd December, 1998	<p>At Page No. 28 against Village Anwa Tehsil Abu road for Survey No. "94" read "95" and for Survey No. "482" Area "0.1450" read Area "0.0320".</p> <p>At Page No. 27 against Village Kui Tehsil Aburoad for Survey No "301" read "280", for Survey No, "2" Area "0.0835" read "0.0474", for Survey No, "84" Area "0.0474" read "0.0020", for Survey No, "5" Area "0.4000" read "0.4909", for Survey No, "7" Area "0.0319" read "0.0773" and Survey No, "4" Area "0.0548" shall be deleted.</p> <p>At Page No. 26 against Village Tartauli Tehsil Aburoad for Survey No, "398" Area "0.0020" read "0.1030", for Survey No, "395" Area "0.0100" read "0.0950", for Survey No, "394" Area "0.1500" read "0.1742", for Survey No, "386" Area "0.0560" read "0.1188", for Survey No, "387" Area "0.2180" read "0.4276", for Survey No, "396" Area "0.1480" read "0.0475", for Survey No, "356" Area "0.0480" read "0.0158", and Survey No, "354" Area "0.2090" Survey No, "355" Area "0.0950" shall be deleted.</p> <p>At Page No. 27 against Village Tartauli Tehsil Aburoad for Total Area "3.1440" read "3.3245".</p> <p>At Page No. 26 against Village Ore Tehsil Abu road for Survey No. "3" Area "0.0200" read Area "0.3410". and Survey No. "4" Area 0.3210 shall be deleted.</p> <p>At Page No. 25 against Village Kiwarli Tehsil Aburoad for Survey No. "979" Area "0.1600" read "0.1980", for Survey No, "849" Area "0.1200" read "0.1220", for Survey No, "961" read "963" for Survey No, "906" read "1197", and Survey No, "978" Area "0.0380" Survey No, "850" Area "0.0020" shall be deleted.</p>
2	S.O. 1094(E) dated the 22 nd December, 1998	<p>At Page No. 14 against Village Bharja Tehsil Pindwara for Survey No, "690" Area "0.0500" read "0.1540", for Survey No, "592" Area "0.4800" read "0.5660", for Survey No, "602" Area "0.0050" read "0.1780", for Survey No, "550" Area "0.7000" read "0.7950", for Survey No, "539" Area "0.2640" read "0.2690", for Survey No, "515" Area "0.2080" read</p>

S. No.	Notification & Date	Amendment
	S.O. 1094(E) dated the 22nd Dec. 1998 corrected	"0.7090" for Survey No. "710" Area "0.0070" read "0.3820", for Survey No. "531" Area "0.0050" read "0.0650", for Survey No. "701" Area "0.2240" read "0.0780", for Survey No. "633" Area "0.2920" read "0.0900", for Survey No. "597" Area "0.2640" read "0.0320", for Survey No. "596" Area "0.1550" read "0.1230", for Survey No. "532" Area "0.1000" read "0.1000" for Survey No. "212" Area "0.4560" read "0.3160", for Survey No. "211" Area "0.2540" read "0.0140", for Survey No. "638" Area "0.1920" read "0.1570", and Survey No. "551" Area "0.0950" Survey No. "538" Area "0.0050" Survey No. "510" Area "0.0010" Survey No. "593" Area "0.0760" Survey No. "595" Area "0.1600" Survey No. "582" Area "0.0010" Survey No. "634" Area "0.0050" Survey No. "504" Area "0.0800" shall be deleted.
	S.O. 597(E) dated the 24th July, 1999	At Page No. 35 against Village Dhunja Tehsil Pindwara for Total Area "7.7030" read "7.7130".
	S.O. 1094(E) dated the 22nd December, 1998 & S.O. 597(E) dated the 24th July, 1999	At Page No. 15 & 36 against Village Bhimana Tehsil Pindwara for Survey No. "144" Area "1.2775" read "0.6160", for Survey No. "148" Area "1.0500" read "1.1055", for Survey No. "156" Area "0.1240" read "0.8060", for Survey No. "298" Area "0.1520" read "0.1900", for Survey No. "301" Area "0.0025" read "0.1000", for Survey No. "340" Area "0.1040" read "0.0640", for Survey No. "343" Area "0.1680" read "0.0430", for Survey No. "354" Area "0.0655" read "0.0255", for Survey No. "355" Area "0.1720" read "0.1300", for Survey No. "342" Area "0.0850" read "0.2600", and Survey No. "299" Area "0.1000" Survey No. "300" Area "0.0400" Survey No. "311" Area "0.0010" Survey No. "341" Area "0.2080" Survey No. "356" Area "0.0350" Survey No. "144/1277" Area "0.0600", Survey No. "346" Area "0.0100" shall be deleted.
		At Page No. 14 against Village Bhimana Tehsil Pindwara for Total Area "5.7405" read "5.7563"
		At Page No. 15 & 37 against Village Bhawari Tehsil Pindwara for Survey No. "1992" Area "2.2000" read "2.1000", for Survey No. "1364" Area "0.6060" read "0.4240", for Survey No. "1304" Area "2.2650" read "1.9650", for Survey No. 1993" Area "0.6000" read "0.7040",

Table

S.No	Notification & Date	Amendment
	S.O. 1094(E) dated the 22 nd December, 1998 S.O. 1094(E) dated the 22 nd December, 1998.	At Page No. 15 against Village Bhawari Tehsil Pindwara for Total Area "8.4700" read "8.5910" At Page No. 14 against Village Dhanari Tehsil Pindwara for Survey No, "2033" Area "0.1220" read "0.1440", for Survey No, "2032" Area "0.0300" read "0.2720", for Survey No, "2039" Area "0.2160" read "0.1440", for Survey No, "2014" Area "0.0900" read "0.1630", for Survey No, "2027" Area "0.0320" read "0.0400", for Survey No, "2015" Area "0.1200" read "0.1560", for Survey No, "178" Area "0.0750" read "0.1200", for Survey No, "179" Area "0.0010" read "0.0100", for Survey No, "1945" Area "0.0040" read "0.1360", for Survey No, "1944" Area "0.1440" read "0.0010", for Survey No, "1952" Area "0.0500" read "0.0450", for Survey No, "171" Area "0.0500" read "0.0060", and Survey No, "2035" Area "0.0440" Survey No, "2036" Area "0.1040" Survey No, "2038" Area "0.1160" Survey No, "2013" Area "0.0450" Survey No, "177" Area "0.0100" shall be deleted. At Page No. 16 against Village Kodarla Tehsil Pindwara for Survey No, "609" Area "0.0100" read "0.1600", for Survey No, "607" Area "0.0020" read "0.0420", for Survey No, "577" Area "0.0250" read "0.1000", for Survey No, "595" Area "0.1000" read "0.1050", for Survey No, "589" Area "0.0800" read "0.1000", for Survey No, "586" Area "0.0125" read "0.0375", for Survey No, "448" Area "0.0400" read "0.1810", for Survey No, "353" Area "0.0950" read "0.1800", for Survey No, "364" Area "0.1400" read "0.1900", for Survey No, "365" Area "0.0200" read "0.0700", for Survey No, "515" Area "0.0600" read "0.0100", for Survey No, "599" Area "0.0700" read "0.0400", for Survey No, "597" Area "0.2100" read "0.1900", for Survey No, "590" Area "0.2700" read "0.2500", for Survey No, "412" Area "0.2500" read "0.1600", for Survey No, "400" Area "0.1600" read "0.0600", for Survey No, "366" Area "0.6600" read "0.6350", for Survey No, "587" Area "0.1850" read "0.1600" and Survey No. "610" Area "0.1400" Survey No, "516" Area "0.0250" Survey No, "594" Area "0.0050" Survey No, "411" Area "0.0010" Survey No, "370" Area "0.2400" Survey No, "368" Area "0.0010" Survey No, "367" Area "0.0300" shall be deleted.

Table

S No	Notification & Date	Amendment
	<p>1. S 4 (B), deleted 72nd Amendment, 1995 in whole</p>	<p>At Page No. 16 against Village Rampura Tehsil Pindwara for Survey No. "84" Area "0.0280" read "0.0840", for Survey No. "85" Area "0.0430" read "0.1210", for Survey No. "81" Area "0.0690" read "0.0890", for Survey No. "83" Area "0.0260" read "0.0610", for Survey No. "194" Area "0.0891" read "0.0991", for Survey No. "32" Area "0.0020" read "0.0110", for Survey No. "52" Area "0.1396" read "0.0506", for Survey No. "53" Area "0.1000" read "0.0360", for Survey No. "51" Area "0.0750" read "0.0300", and Survey No. "103/2" Area "0.0100" shall be deleted</p> <p>At Page No. 14 against Village Pindwara Tehsil Pindwara for Survey No. "16" Area "0.0050" read "0.1200", for Survey No. "22" Area "0.0080" read "0.1750", for Survey No. "24" Area "0.0020" read "0.0700", for Survey No. "27" Area "0.0580" read "0.1500", for Survey No. "152" Area "0.0960" read "0.1960", for Survey No. "898" Area "0.6960" read "0.7700", for Survey No. "1038" Area "0.0560" read "0.0920", for Survey No. "28" Area "0.2320" read "0.1420", for Survey No. "15" Area "0.3360" read "0.0700", for Survey No. "1040" Area "0.0500" read "0.0100", for Survey No. "1039" Area "0.0600" read "0.0400" for Survey No. "1030" Area "0.0720" read "0.0020" for Survey No. "129" Area "0.6200" read "0.5200", for Survey No. "3269" read "3272" for Survey No. "3270" read "0.3271", for Survey No. "3225" read "3625", and Survey No. "12" Area "0.0650" Survey No. "13" Area "0.6000" Survey No. "1029" Area "0.0960" Survey No. "1041" Area "0.0010" Survey No. "1043" Area "0.0720" Survey No. "1044" Area "0.0080" shall be deleted.</p> <p>At Page No. 19 against Village Pindwara Tehsil Pindwara for Total Area "15.9330" read "16.1400".</p>

[No. L-14014/7/2000 GP]

I S. N. PRASAD, Director

नई दिल्ली, 16 मई, 2001

का. आ. 1107— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में ऐसा ^{करना} आवश्यक है, कि राजस्थान राज्य में कांडला /जामनगर - लोनी पाइपलाइन के माध्यम से तरलीकृत पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार ने कांडला /जामनगर - लोनी एल0 पी0 जी0 पाइपलाइन परियोजना के लिये का0 आ0 सं0 241 तारीख 20.01.98 द्वारा, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिये, राजस्थान राज्य सरकार से गैस अथॉरिटी ऑफ इंडिया लि0 में प्रतिनियुक्त पर आए श्री दीपक सी0 गुप्ता अपर क्लक्टर को प्राधिकृत किया था।

और केन्द्रीय सरकार ने का0 आ0 597 (अ), तारीख 24 जुलाई, 1999; का0 आ0 477 (अ), तारीख 23 जून, 1999; का0 आ0 269 (अ), तारीख 20 अप्रैल, 1999; का0 आ0 56 (अ), तारीख 2 फरवरी, 1999; का0 आ0 814 (अ), तारीख 15 सितम्बर, 1998; का0 आ0 1053 (अ), तारीख 9 दिसम्बर, 1998; का0 आ0 60 (अ), तारीख 2 फरवरी, 1999; का0 आ0 1077 (अ), तारीख 22 दिसम्बर, 1998; का0 आ0 256 (अ), तारीख 13 अप्रैल, 1999; का0 आ0 256 (अ), तारीख 27 नवम्बर, 1998; का0 आ0 638 (अ), तारीख 9 अगस्त, 1999; का0 आ0 1076 (अ), तारीख 5 नवम्बर, 2000; का0 आ0 813 (अ), तारीख 15 नवम्बर, 1998; का0 आ0 129 (अ), तारीख 23 फरवरी, 1996; का0 आ0 58 (अ), तारीख 2 फरवरी, 1999; और का0 आ0 711 (अ), तारीख 2 सितम्बर, 1999; द्वारा उनसे संबंधित अनुसूचियों में विनिर्दिष्ट रीति में, भूमि में उपयोग के अधिकार के अर्जन के लिये उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन अधिसूचनाएं प्रकाशित की थी ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अपना यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है, यह निदेश करती है कि नीचे वर्णित सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचनाओं में से प्रत्येक का संशोधन उक्त सारणी के स्तंभ (3) में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट रीति में किया जायेगा।

सारणी

क्र.सं.	सूचनात्मक संख्या व दिनांक	संशोधन
	का.आ. 547/अ, दिनांक 24 नवम्बर, 1999	पृष्ठ सं० 12 पर ग्राम धवन तहसील शाहपुरा के अन्तर्गत खसरा नं० '493' के क्षेत्रफल '0.1240' को '0.0160' पड़े।
	का.आ. 547/अ, दिनांक 24 नवम्बर, 1999	पृष्ठ सं० 12 पर ग्राम मागी ना बाग तहसील शाहपुरा के अन्तर्गत खसरा नं० "172" को "72" पड़े।
	का.आ. 547/अ, दिनांक 24 नवम्बर, 1999	पृष्ठ सं० 6 पर ग्राम मेरु का कस तहसील शाहपुरा के अन्तर्गत खसरा नं० '3647' के क्षेत्रफल '0.0240' को '0.1000' खसरा नं० "3648" के क्षेत्रफल "0.0720" को "0.1840", खसरा नं० '3650' के क्षेत्रफल "0.1120" को "0.1920", खसरा नं० "4350" के क्षेत्रफल "0.0320" को '0.0020', खसरा नं० "4349" के क्षेत्रफल '0.1760' को "0.1380" पड़े तथा खसरा नं० '4351' के क्षेत्रफल "0.0080" को विलोपित माना जाये।
	का.आ. 561/अ, दिनांक-2 फरवरी, 1999	पृष्ठ सं० 1, 2 पर ग्राम नवलपुरा तहसील शाहपुरा के अन्तर्गत खसरा नं० "674" के क्षेत्रफल '0.0880' को "0.0890", खसरा नं० "673" के क्षेत्रफल "0.0640" को "0.0440", खसरा नं० '672' के क्षेत्रफल "0.0240" को "0.0440", खसरा नं० "667" के क्षेत्रफल "0.0480" को '0.0160' खसरा नं० "666" के क्षेत्रफल '0.0080' को "0.0400", खसरा नं० "664" के क्षेत्रफल "0.0760" को "0.0660" खसरा नं० '662' के क्षेत्रफल "0.0480" को "0.0400", खसरा नं० "661" के क्षेत्रफल "0.0640" को '0.0560', खसरा नं० "656" के क्षेत्रफल '0.0600' को "0.0560", खसरा नं० "640/2057" के क्षेत्रफल "0.0640" को "0.0680", खसरा नं० '634' के क्षेत्रफल "0.0320" को "0.0360",

सारणी

क्र.सं.

को.आ.स. आदेशों के दिनांक

मशीन

का.आ. 56(अ) दिनांक
2 फरवरी, 1999

खसरा नं० "629" के क्षेत्रफल "0.0080" का
"0.0040" खसरा नं० "362" के क्षेत्रफल "0.1440"
को "0.0900" खसरा नं० "361" के क्षेत्रफल
"0.0140" को "0.0720", खसरा नं० "360" के
क्षेत्रफल "0.0240" को "0.0360" खसरा नं०
"359" के क्षेत्रफल "0.0240" का "0.0120"
खसरा नं० "357" के क्षेत्रफल "0.0440" का
"0.0400" खसरा नं० "354" के क्षेत्रफल
"0.0960" का "0.1160" खसरा नं० "324" के
क्षेत्रफल "0.0620" का "0.0200", खसरा नं०
"320" के क्षेत्रफल "0.0700" को "0.0800"
खसरा नं० "321" के क्षेत्रफल "0.0710" को
"0.0140" खसरा नं० "318" के क्षेत्रफल
"0.0010" को "0.0160" खसरा नं० "316" के
क्षेत्रफल "0.0160" का "0.0600", खसरा नं०
"303" के क्षेत्रफल "0.0440" का "0.0200"
खसरा नं० "306" के क्षेत्रफल "0.1440" का
"0.1680" पट और खसरा नं० "742" के क्षेत्रफल
"0.0010", खसरा नं० "635" के क्षेत्रफल
"0.0040", खसरा नं० "358" के क्षेत्रफल
"0.0040", खसरा नं० "353" के क्षेत्रफल
"0.0040", खसरा नं० "323" के क्षेत्रफल
"0.0020", को विलोपित माना जाये।

का.आ. 814(अ) दिनांक 15
मई, 1998

पृष्ठ सं० 11 पर ग्राम अवानिया तहसील सांगानेर के
अन्तर्गत कुल क्षेत्रफल "3.2400" का "3.2560"
पट ।

पृष्ठ सं० 11 पर ग्राम बिमनपुरा तहसील सांगानेर के
अन्तर्गत खसरा नं० "170/591" को "170/571",
खसरा नं० "106" को "105", खसरा नं०
"175" के क्षेत्रफल "0.0900" को खसरा नं०
"175" क्षेत्रफल "0.0850" एवं खसरा नं०
"175/572" क्षेत्रफल "0.0050", पट ।

सारणी

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र०आ० 1053(अ) दिनांक 9, दिसम्बर, 1998.	<p>को "0.2240" पढ़े ।</p> <p>पृष्ठ सं० 15 पर ग्राम पांचुडाला तहसील कोटपुतली के अन्तर्गत कुल क्षेत्रफल "2.8740" को "2.9380" पढ़े ।</p> <p>पृष्ठ सं० 15 पर ग्राम पांचुडाला तहसील कोटपुतली के अन्तर्गत खमरा न० "6" क क्षेत्रफल "0.3200" का "0.3600", खमरा न० "12" क क्षेत्रफल "0.0720" को "0.0800" खमरा न० "4" क क्षेत्रफल "0.1680" का "0.3520" खमरा न० "35" के क्षेत्रफल "0.0160" को "0.0960", खमरा न० "38" के क्षेत्रफल "0.2880" को "0.3040", खमरा न० "24" के क्षेत्रफल "0.2000" को "0.1680" खमरा न० "30" क क्षेत्रफल "0.0560" को "0.0440", खमरा न० "31" क क्षेत्रफल "0.1520" का "0.0560" खमरा न० "34" क क्षेत्रफल "0.3360" का "0.2320" खमरा न० "39" क क्षेत्रफल "0.3040" को "0.2560", खमरा न० "40" क क्षेत्रफल "0.0240" को "0.0080" पढ़े ।</p>
	का.आ. 60(अ) दिनांक 2 फरवरी, 1999 और का.आ. 1053(अ) दिनांक 9 दिसम्बर, 1998.	<p>पृष्ठ सं० 47 पर ग्राम डाणी जोगियात तहसील विराटनगर के अन्तर्गत खमरा न० "21/1916" को "22/1916", खमरा न० "874/1951" क क्षेत्रफल "0.0080" का "0.0160" पढ़े । और खमरा न० "875/1950" क क्षेत्रफल "0.0120" का विन्यासित माना जाय ।</p>
	का.आ. 1097(अ) दिनांक 22 दिसम्बर, 1998	<p>पृष्ठ सं० 35 पर ग्राम मुण्डिया रामसर तहसील जयपुर के अन्तर्गत खमरा न० "30/417" को "30/417", खमरा न० "27/2" का "27" न०</p> <p>पृष्ठ सं० 35 पर ग्राम शिखरपुर तहसील जयपुर क</p>

भारणी

क्र०स०	कार्यालय आदेश व दिनांक	संशोधन
	का०आ० 1097(अ) दिनांक 22 दिसम्बर, 1998.	अन्तर्गत खसरा न० "156/173" का "156/173" पठे । पृष्ठ सं० 36 पर ग्राम पन्नेहपुरा तहसील जयपुर क अन्तर्गत खसरा न० "266/288" का "266/288" खसरा न० "266/241" का "267/312" पठे ।
	का०आ. 597(अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं० 18 पर ग्राम पिण्डावाड़ा तहसील जयपुर क अन्तर्गत खसरा न० "170/878" क क्षेत्रफल "0.0079" को "0.3089" खसरा न० "170/879" के क्षेत्रफल "0.3089" का "0.0079" पठे । पृष्ठ सं० 18 पर ग्राम साचवा तहसील जयपुर के अन्तर्गत कुल क्षेत्रफल "3.4838" को "5.2342" पठे ।
	का.आ. 1097(अ) दिनांक 22 दिसम्बर, 1998	पृष्ठ सं० 36 पर ग्राम तालचन्दपुरा तहसील जयपुर क अन्तर्गत कुल क्षेत्रफल "2.6288" का "2.7319" पठे ।
	का.आ. 256(अ) दिनांक 13 अप्रैल, 1999	पृष्ठ सं० 1 पर ग्राम बावडी तहसील जयपुर के अन्तर्गत कुल क्षेत्रफल "4.5857" को "4.5668" पठे । पृष्ठ सं० 1 पर ग्राम बावडी तहसील जयपुर के अन्तर्गत खसरा न० "160" को "78", खसरा न० "166" को "167", खसरा न० "161" के क्षेत्रफल "0.8949" को "0.8800" पठे । और खसरा न० "227" के क्षेत्रफल "0.0040" को विलोपित माना जाये ।
	का.आ. 1097(अ) दिनांक 22 दिसम्बर, 1998	पृष्ठ सं० 36, 37 पर ग्राम सिवार तहसील जयपुर के अन्तर्गत खसरा न० "274/1084" के क्षेत्रफल "0.1900" को "0.7444", खसरा न० "252" को

सारणी

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क्र०स०	कार्यालय आदरा व दिनांक	संशोधन
	का० आ० 2556 दिनांक 21 सितम्बर, 1998.	<p>क्षेत्रफल "0.1029" को "0.1742", खसरा नं० "197" के क्षेत्रफल "0.1267" का "0.1446" खसरा नं० "119/1220" को "119/1210" खसरा नं० "205/1353" को "171/1353", खसरा नं० "205/1354" का "171/1354", खसरा नं० "764" के क्षेत्रफल "0.0079" का "0.1267" खसरा नं० "765" के क्षेत्रफल "0.1564" का "0.1584" खसरा नं० "767" के क्षेत्रफल "0.2376" को "0.1108", खसरा नं० "770" के क्षेत्रफल "0.3800" का "0.2771", खसरा नं० "709" के क्षेत्रफल "0.1988" का "0.1267", खसरा नं० "704" के क्षेत्रफल "0.0158" को "0.0079", खसरा नं० "703" के क्षेत्रफल "0.1029" को "0.0079", खसरा नं० "700" के क्षेत्रफल "0.0950" को "0.0079" खसरा नं० "399" के क्षेत्रफल "0.1346" का "0.1108" खसरा नं० "415" के क्षेत्रफल "0.1267" को "0.0871" खसरा नं० "413" के क्षेत्रफल "0.1900" को "0.1663" खसरा नं० "440" के क्षेत्रफल "0.0554" को "0.0237", खसरा नं० "447" के क्षेत्रफल "0.1425" को "0.1187", खसरा नं० "446" के क्षेत्रफल "0.1980" को "0.1584", खसरा नं० "456" के क्षेत्रफल "0.3009" को "0.2613", खसरा नं० "458" के क्षेत्रफल "0.1108" का "0.0475" पट्टे और खसरा नं० "459" के क्षेत्रफल "0.0020", खसरा नं० "780" के क्षेत्रफल "0.0792", खसरा नं० "701" के क्षेत्रफल "0.0079", खसरा नं० "398/1" के क्षेत्रफल "0.0079", खसरा नं० "401" के क्षेत्रफल "0.0711", को विलोपित माना जाये।</p> <p>पृष्ठ सं० 4694 पर ग्राम गंगातीकला तहसील बुद्ध के अन्तर्गत खसरा नं० "953" के क्षेत्रफल "0.0237" को "0.0475", खसरा नं० "963" के क्षेत्रफल</p>

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क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	का.आ. 2556 दिनांक 27 नवम्बर, 1998, का.आ. 597 (अ) दिनांक 24 जुलाई, 1999 और का.आ. 638 (अ) दिनांक 9 अगस्त, 1999	क्षेत्रफल "0.1267" को "0.0158", खसरा नं० "1854/1" के क्षेत्रफल "0.3484" को "0.0400", खसरा नं० "1854/2" के क्षेत्रफल "0.0475" को "0.2140" पठे और खसरा नं० "1259" के क्षेत्रफल "0.0040", खसरा नं० "1273" के क्षेत्रफल "0.0079", खसरा नं० "1299" के क्षेत्रफल "0.0040", खसरा नं० "1310" के क्षेत्रफल "0.0475" को विलोपित माना जाय।
का.आ. 2556 नवम्बर, 1998	दिनांक 27	<p>पृष्ठ सं० 2556 पर ग्राम हरसौली तहसील बूढ़ के अन्तर्गत खसरा नं० "945" के क्षेत्रफल "0.1029" को "0.0237", खसरा नं० "959" को "953", खसरा नं० "535" के क्षेत्रफल "0.0316" को "0.1504" पठे। और खसरा नं० "371" के क्षेत्रफल "0.0040" खसरा नं० "537" के क्षेत्रफल "0.1188" को विलोपित माना जाये।</p> <p>पृष्ठ सं० 4688, 4689 पर ग्राम गुठा बल्लभजी उर्फ गुठामाथपुरा तहसील बूढ़ के अन्तर्गत खसरा नं० "192" के क्षेत्रफल "0.1267" को "0.2618", खसरा नं० "244" के क्षेत्रफल "0.0079" को "0.1980", खसरा नं० "242" के क्षेत्रफल "0.1267" को "0.3326" खसरा नं० "213" के क्षेत्रफल "0.0079" को "0.1188", खसरा नं० "214" के क्षेत्रफल "0.0079" को खसरा नं० "214/470/1" क्षेत्रफल "0.0633", और खसरा नं० "214/470/2" क्षेत्रफल "0.0712", खसरा नं० "193" के क्षेत्रफल "0.1980" को "0.1029", खसरा नं० "243" के क्षेत्रफल "0.3802" को "0.1425", खसरा नं० "201" के क्षेत्रफल "0.3168" को "0.0237", खसरा नं० "212" के क्षेत्रफल "0.1426" को "0.0158", खसरा नं० "211" के क्षेत्रफल "0.5069" को "0.4520", खसरा नं० "205" के क्षेत्रफल</p>

क्र०सं०	कार्यालय आदेश व दिनांक	संशोधन
	क्र.आ. 2336 दिनांक 24 नवम्बर, 1998.	"0.2534" को "0.792", पठे और खसरा नं० "194" के क्षेत्रफल "0.0079", को विलोपित माना जाये। पृष्ठ सं० 4688, 4689 पर ग्राम गुढाबल्लभजी उर्फ गुढासायपुरा तहसील बूढ़ के अन्तर्गत कुल क्षेत्रफल "5.4212" को "5.5083" पठे।
	क्र.आ. 1076(अ) दिनांक 5 नवम्बर, 1998	पृष्ठ सं० 4 पर ग्राम गुढा बल्लभजी उर्फ गुढासायपुरा तहसील बूढ़ के अन्तर्गत खसरा नं० "219" के क्षेत्रफल "0.0040" को "0.1108" पठे।
	क्र.आ. 813(अ) दिनांक 15 नवम्बर, 1998	पृष्ठ सं० 2 पर ग्राम मानपुरा तहसील बूढ़ के अन्तर्गत खसरा नं० "37" के क्षेत्रफल "0.2257" को "0.2534", खसरा नं० "26" के क्षेत्रफल "0.0025" को "0.1188", खसरा नं० "29" के क्षेत्रफल "0.0490" को "0.0950" खसरा नं० "31" के क्षेत्रफल "0.0310" को "0.1267", खसरा नं० "15" के क्षेत्रफल "0.1504" को "0.1742", खसरा नं० "13" के क्षेत्रफल "0.0270" को "0.1663" खसरा नं० "39" के क्षेत्रफल "0.1821" को "0.1425", खसरा नं० "27" के क्षेत्रफल "0.1640" को "0.0475", खसरा नं० "32" के क्षेत्रफल "0.1156" को "0.0396", खसरा नं० "14" के क्षेत्रफल "0.1551" को "0.0396", खसरा नं० "54" के क्षेत्रफल "0.2059" को "0.1900", खसरा नं० "56" के क्षेत्रफल "0.3752" को "0.2851", पठे और खसरा नं० "40" के क्षेत्रफल "0.0436", खसरा नं० "38" के क्षेत्रफल "0.0432", खसरा नं० "28" के क्षेत्रफल "0.0414", खसरा नं० "33" के क्षेत्रफल "0.0336", को विलोपित माना जाये।

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क्र.सं०	कार्यालय आदेश व दिनांक	समाधान
	<p>का.आ. 813 (अ) दिनांक 15 नवम्बर, 1998.</p>	<p>पृष्ठ सं० 4 पर ग्राम बागेत तहसील दूदू क अन्तर्गत खसरा न० "261" क क्षेत्रफल "0.1188" को "0.232" खसरा न० "263" के क्षेत्रफल "0.0000" से "0.1188", उक्त न० "270" के क्षेत्रफल "0.0475" का "0.1021" खसरा न० "292" क क्षेत्रफल "0.1108" का "0.1980" खसरा न० "402" क क्षेत्रफल "0.1188" का "0.1425" खसरा न० "259" क क्षेत्रफल "0.2138" का "0.1346" खसरा न० "260" क क्षेत्रफल "0.2376" का "0.1980" खसरा न० "262" क क्षेत्रफल "0.2772" का "0.1980", खसरा न० "271" क क्षेत्रफल "0.3800" को "0.2811", खसरा न० "274" के क्षेत्रफल "0.1900" को "0.0633", खसरा न० "371" के क्षेत्रफल "0.2693" का "0.2059" खसरा न० "389" क क्षेत्रफल "0.2851" को "0.2376", पठे आर खसरा न० "258" के क्षेत्रफल "0.0080" खसरा न० "254" क क्षेत्रफल "0.0158" खसरा न० "275" क क्षेत्रफल "0.0040" खसरा न० "392" क क्षेत्रफल "0.0396", खसरा न० "390" क क्षेत्रफल "0.0158", खसरा न० "391" के क्षेत्रफल "0.0040" को विलोपित माना जाये ।</p> <p>पृष्ठ सं० 4 पर ग्राम बागेत तहसील दूदू क अन्तर्गत कुल क्षेत्रफल "4.1021" का "3.9595" पठे ।</p> <p>पृष्ठ सं० 3 पर ग्राम चरामडा तहसील दूदू क अन्तर्गत खसरा न० "457" को "458", पठे ।</p> <p>पृष्ठ सं० 2 पर ग्राम गेगा तहसील दूदू के अन्तर्गत खसरा न० "377" के क्षेत्रफल "0.0034" को विलोपित माना जाये ।</p>

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क्र.सं.	क.सं. आदेश व दिनांक	संशोधन
	का.आ. 813 (अ) दिनांक 15 नवम्बर, 1998.	पृष्ठ सं० 3 पर ग्राम खुदियाला तहसील बूढ़ क अन्तर्गत खमरा न० "224" के क्षेत्रफल "0.0510" खमरा न० "224" के क्षेत्रफल "0.0540" का विनिर्दिष्ट नम्बर आता है। पृष्ठ सं० 3 पर ग्राम खुदियाला तहसील बूढ़ क अन्तर्गत खमरा न० "224" का क्षेत्रफल "0.0510" का पद है।
	का.आ. 129 (अ) दिनांक 23 फरवरी, 1999	पृष्ठ सं० 9 पर ग्राम दालतपुरा बेंनाड़ तहसील आमेर के अन्तर्गत खमरा न० "377/884" का "377/764" पद है।
	का.आ. 58 (अ) दिनांक 2 फरवरी 1999	पृष्ठ सं० 20-21 पर ग्राम चौप तहसील आमेर के अन्तर्गत खमरा न० "242" के क्षेत्रफल "0.1120" को "0.1760", खमरा न० "242/2186" के क्षेत्रफल "0.0800" का "0.0160" खमरा न० "90" के क्षेत्रफल "0.0200" का "0.2000" पद है। पृष्ठ सं० 22 पर ग्राम घटवाड़ा तहसील आमेर के अन्तर्गत खमरा न० "582/1189" को "582/1139" पद है।
	का.आ. 58 (अ) दिनांक 2 फरवरी, 1999 और का.आ. 597 (अ) दिनांक 24 जुलाई, 1999	पृष्ठ सं० 22 पर ग्राम बीलपुर बिलिया तहसील आमेर के अन्तर्गत खमरा न० "668" का "664", खमरा न० "581" के क्षेत्रफल "0.0020" का "0.0040", खमरा न० "577" के क्षेत्रफल "0.1920" को "0.2240" खमरा न० "549" के क्षेत्रफल "0.0020" को "0.0180", खमरा न० "566" के क्षेत्रफल "0.0020" को "0.0400", खमरा न० "377" के क्षेत्रफल "0.2160" को "0.0320" खमरा न० "367" के क्षेत्रफल "0.0400" को "0.0160" खमरा न० "368" के

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क्र० न०	कार्यालय आदेश व दिनांक	संशोधन
	का.आ. 58(अ) दिनांक 2 फरवरी, 1999 और का.आ. 597(अ) दिनांक 24 जुलाई, 1999	क्षेत्रफल "0.0640" का "0.1080" पट और खसरा नं० "578" के क्षेत्रफल "0.0040", खसरा नं० "541" के क्षेत्रफल "0.0020", खसरा नं० "545" के क्षेत्रफल "0.0040", खसरा नं० "547" के क्षेत्रफल "0.0960", खसरा नं० "551" के क्षेत्रफल "0.1440", खसरा नं० "552" के क्षेत्रफल "0.0020", खसरा नं० "553" के क्षेत्रफल "0.0600", खसरा नं० "553/966" के क्षेत्रफल "0.0100", खसरा नं० "553/965" के क्षेत्रफल "0.0080", खसरा नं० "553/967" के क्षेत्रफल "0.0100", खसरा नं० "581/978" के क्षेत्रफल "0.0020", खसरा नं० "376/960" के क्षेत्रफल "0.0400" को विलोपित माना जाये ;
	का.आ. 58(अ) दिनांक 2 फरवरी, 1999	पृष्ठ सं० 23, 24 पर ग्राम सुन्दर का नाम तहसील आमेर के अन्तर्गत खसरा नं० "636" के क्षेत्रफल "0.0240" को "0.0080", खसरा नं० "637" के क्षेत्रफल "0.0320" का "0.0080", खसरा नं० "427/609" का "427/680/687", खसरा नं० "202" के क्षेत्रफल "0.0640" को "0.0680" और खसरा नं० "202/728" के क्षेत्रफल "0.0040" को विलोपित माना जाये पढ़े ।
		पृष्ठ सं० 23 पर ग्राम चक मनोहरपुर तहसील आमेर के अन्तर्गत खसरा नं० "722/1098" को "722/998" पढ़े ।
	का.आ. 257(अ) दिनांक 13 अप्रैल, 1999, का.आ. 58(अ) दिनांक 2 फरवरी 1999.	पृष्ठ सं० 3 पर ग्राम बिलांची तहसील आमेर के अन्तर्गत खसरा नं० "402" के क्षेत्रफल "0.0400" को "0.0100" पढ़े ।

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क्र०सं०	कार्यालय आदेश व दिनांक	मंशोधन
	का.आ. 711(अ) दिनांक 2 सितम्बर, 1999	पृष्ठ सं० 2 पर ग्राम मानपुरा माचंडी तहसील आमर क अन्तर्गत खसरा न० "3683" को "3583". पढ़ें ।

[सं. एल.- 14014/7/2000-जी. पी. (भाग-1)]

आई. एस. एन. प्रसाद, निदेशक

New Delhi, the 16th May, 2001

S. O. 1107.—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Liquefied Petroleum Gas through Kandla/Jamnagar – Loni pipeline in Rajasthan State, pipeline may be laid by Gas Authority of India Limited;

And whereas, the Government authorised Shri Deepak C. Gupta, Additional Collector on deputation from the State Government of Rajasthan to Gas Authority of India Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962) for Kandla/Jamnagar – Loni LPG Pipeline Project vide S.O. No. 241 dated the 20th January, 1998;

And whereas, the Central Government vide S.O. 597(E) dated the 24th July, 1999; S.O. 477(E) dated the 23rd June, 1999; S.O. 269(E) dated the 20th April, 1999; S.O. 56(E) dated the 2nd February, 1999; S.O. 814(E) dated the 15th September, 1998; S.O. 1053(E) dated the 9th December, 1998; S.O. 60(E) dated the 2nd February, 1999; S.O. 1097(E) dated 22nd December, 1998; S.O. 256(E) dated 13th April, 1999 ; S.O. 2556(E) dated the 27th November, 1998; S.O. 638(E) dated the 9th August, 1999; S.O. 1076(E) dated the 5th November, 2000; S.O. 813(E) dated the 15th November, 1998; S.O. 129(E) dated the 23rd February, 1996; S.O. 58(E) dated 2nd February, 1999 and S.O. 711(E) dated 2nd September, 1999 published notifications under sub-section (1) of section 3 of the said Act for acquisition of right of user in the land in the manner specified in the respective schedules annexed thereto;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (1) of section 3 of the said Act, the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below may be amended in the manner specified in the corresponding entry in column (3) of the said Table.

Table

S No	Notification & Date	Amendment
1	S.O. 597(E) dated the 24 th July, 1999	At Page No. 41 against Village Dewan Tehsil Shahpura for Survey No. "493" Area "0.1240" read "0.0160".
	S.O. 477(E) dated the 23 rd June, 1999	At Page No. 18 against Village Madhokawas Tehsil Shahpura for Survey No. "172" read "72".
	S.O. 269(E) dated the 20 April 1999	At Page No. 12 against Village Lochu ka was Tehsil Shahpura for Survey No. "3647" Area "0.0240" read "0.1000", for Survey No. "3648" Area "0.2720" read "0.1840", for Survey No. "3650" Area "0.1120" read "0.1920", for Survey No. "4350" Area "0.0320" read "0.0020" for Survey No. "4349" Area "0.1760" read "0.1380" and Survey No. "4351" Area "0.0080" shall be deleted.
	S.O. 56(E) dated the 2 nd February, 1999	At Page No. 5 against Village Nawalpura Tehsil Shahpura for Survey No. "674" Area "0.0880" read "0.0890", for Survey No. "673" Area "0.0640" read "0.0440", for Survey No. "672" Area "0.0240" read "0.0440", for Survey No. "667" Area "0.0480" read "0.0160", for Survey No. "666" Area "0.0080" read "0.0400", for Survey No. "664" Area "0.0760" read "0.0660", for Survey No. "662" Area "0.0480" read "0.0400", for Survey No. "661" Area "0.0640" read "0.0560", for Survey No. "656" Area "0.0600" read "0.0560", for Survey No. "640/2057" Area "0.0640" read "0.0680", for Survey No. "634" Area "0.0320" read "0.0360", for Survey No. "629" Area "0.0080" read "0.0040", for Survey No. "362" Area "0.1440" read "0.0960", for Survey No. "361" Area "0.0240" read "0.0720", for Survey No. "360" Area "0.0240" read "0.0360", for Survey No. "359" Area "0.0240" read "0.0120", for Survey No. "357" Area "0.0440" read "0.0400", for Survey No. "354" Area "0.0960" read "0.1160", for Survey No. "324" Area "0.0620" read "0.0200", for Survey No. "320" Area "0.0700" read "0.0800", for Survey No. "321" Area "0.0710" read "0.0240", for Survey No. "318" Area "0.0010" read "0.0160", for Survey No. "316" Area "0.0160" read "0.0600", for Survey No. "303" Area "0.0440" read "0.0200", for Survey No. "306" Area "0.1440" read "0.1680", and Survey No. "742" Area "0.0010" Survey No. "635" Area "0.0040" Survey No. "358" Area "0.0040" Survey No. "353" Area
2		

Table

S.No	Notification & Date	Amendment
		"0.0040" Survey No,"323"Area "0.0020" shall be deleted.
	S.O. 814(E) dated the 15 th September, 1998	<p>At Page No.14 against Village Avaniya Tehsil Sanganer for Total Area "3.2400" read "3.2560".</p> <p>At Page No. 15 against Village Chamanpura Tehsil Sanganer for Survey No, "170/591" read "170/571", for Survey No."106" read "105", for Survey No,"175"Area "0.0900" read Survey No,"175"Area "0.0850" & Survey No. "175/572" Area "0 0050".</p> <p>At Page No.13 against Village Syosinghpura Tehsil Sanganer for Total Area "1.3781" read "1.3761".</p> <p>At Page No. 15 against Village Gegha Tehsil Sanganer for Survey No. "202" read "201".</p> <p>At Page No.15 against Village Gegha Tehsil Sanganer for Total Area "1 9840" read "1.9890".</p> <p>At Page No.15 against Village Sanjriya Tehsil Sanganer for Total Area "2.4560" read "2.4570".</p> <p>At Page No.13, 14 against Village Bagru Kalan Tehsil Sanganer for Survey No, "2870" read "2860", for Survey No,"820" read "828", for Survey No,"549"Area "0.0694" read "0.0080", for Survey No,"527"Area "0.0416" read "0.0800", for Survey No,"528"Area "0.0786" read "0.1360", for Survey No,"524"Area "0.0200" read "0.0300", for Survey No,"121"Area "0.0050" read "0.0079", for Survey No, "127" Area "0.0060" read "0.0396", and Survey No,"552"Area "0 0020" Survey No,"550" Area "0.0424" shall be deleted.</p> <p>At Page No.14 against Village Bagru Kalan Tehsil Sanganer for Total Area "6.3470" read "6.3835".</p>
	S.O. 1053(E) dated 9 th December, 1998	<p>At Page No. 21 against Village Bhakari Tehsil Kotpurli for Survey No. "2269" Area "0.2480" read "0.2240".</p> <p>At Page No.20 against Village Panchu Dala Tehsil Kotputli for Total Area "2.8740" read "2.9380"</p>

Table

S.No	Notification & Date	Amendment
	S.O. 1053(E) dated 9th December, 1998.	At Page No. 20 against Village Panchu Dala Tehsil Kotputli for Survey No, "6" Area "0.3200" read "0.3600", for Survey No, "12" Area "0.0720" read "0.0800", for Survey No, "4" Area "0.1680" read "0.3520", for Survey No, "35" Area "0.0160" read "0.0960", for Survey No, "38" Area "0.2880" read "0.3040", for Survey No. "24" Area "0.2000" read "0.1680", for Survey No, "30" Area "0.0560" read "0.0440", for Survey No, "31" Area "0.1520" read "0.0560", for Survey No, "34" Area "0.3360" read "0.2320", for Survey No, "39" Area "0.3040" read "0.2560", for Survey No. "40" Area "0.0240" read "0.0080",
	S.O. 60(E) dated 2nd February, 1999 and S.O. 1053(E) dated 9th December, 1998	At Page No. 50 against Village Dhani Jogiyar Tehsil Viratnagar for Survey No. "21/1916" read "22/1916", Survey No. "874/1951" Area "0.0080" read "0.0160", and Survey No. "875/1950" Area "0.0160" shall be deleted.
	S.O. 1097(E) dated 22nd December, 1998	At Page No. 38 against Village Mundiya Ramsar Tehsil Jaipur for Survey No, "30/480" read "30/417", for Survey No, "27/2" read "27". At Page No. 38 against Village Himmatpura Tehsil Jaipur for Survey No, "136/173" read "126/173". At Page No. 38 against Village Fheathpura Tehsil Jaipur for Survey No, "265/388" read "265/328", for Survey No, "266/344" read "267/344".
	S.O. 597(E) dated 24th July, 1999	At Page No. 43 against Village Pindolai Tehsil Jaipur for Survey No. "170/878" Area "0.0079" read "0.3089", Survey No. "170/879" Area "0.3089" read "0.0160". At Page No. 43 against Village Machwa Tehsil Jaipur for Total Area "3.4838" read "5.2342".
	S.O. 1097(E) dated 22nd December, 1998	At Page No. 39 against Village Lalchandpura Tehsil Jaipur for Total Area "2.6288" read "2.7319".
	S.O. 256(E) dated 13th April, 1999	At Page No. 2 against Village Bavadi Tehsil Jaipur for Total Area "4.5857" read "4.5668".

Table

S.No	Notification & Date	Amendment
	S.O. 256 (B) dated 13th April, 1999	At Page No. 2 against Village Bawadi Tehsil Jaipur for Survey No. "160" read "78", for Survey No, "166" read "167", for Survey No, "161" Area "0.8949" read "0.8800", and Survey No, "227" Area "0.0040" shall be deleted.
	S.O. 1097(E) dated 22nd December, 1998	At Page No. 39 against Village Siwar Tehsil Jaipur for Survey No, "274/1084" Area "0.1900" read "0.7444", for Survey No, "252" read "250/1", for Survey No, "274" read "274/1091", for Survey No, "718" read "717", and Survey No, "274" Area "0.5544" shall be deleted. At Page No. 38 against Village Mundiyan Purohitan Tehsil Jaipur for Survey No, "25" Area "0.1900" read "0.0800", for Survey No, "26" Area "0.0792" read "0.1892", for Survey No, "28" Area "0.1900" read "0.0900", for Survey No, "21/235" read "11/235", At Page No. 38 against Village Mudiya Purohitan Tehsil Jaipur for Total Area "2.1379" read "2.0379".
	S.O. 2556 dated 27th November, 1998	At Page No. 4702 against Village Mahla Tehsil Dudu for Survey No, "1673/1968" read "1673/1966/3". At Page No. 4698 & 4699 against Village Khatwar Tehsil Dudu for Survey No, "754" Area "0.2530" read "0.2930", for Survey No, "757" Area "0.1346" read "0.1504", for Survey No, "766" Area "0.0950" read "0.1504", for Survey No, "769" Area "0.3880" read "0.4910", for Survey No, "707" Area "0.0316" read "0.0792", for Survey No, "705" Area "0.1267" read "0.2217", for Survey No, "699" Area "0.0632" read "0.1663", for Survey No, "402" Area "0.0711" read "0.1425", for Survey No, "449" Area "0.0237" read "0.0554", for Survey No, "453/1263" Area "0.1029" read "0.1504", for Survey No, "457" Area "0.1029" read "0.1742", for Survey No, "197" Area "0.1267" read "0.1446", for Survey No, "119/1220" read "119/1210", for Survey No, "205/1353" read "171/1353", for Survey No, "205/1354" read "171/1354", for Survey No, "764" Area "0.0079" read "0.1267", for Survey No, "765" Area "0.1564"

Table

S.No	Notification & Date	Amendment
	S.O. 2556 dated 27th November, 1998.	<p>read "0.1584", for Survey No, "767" Area "0.2376" read "0.1108", for Survey No, "770" Area "0.3800" read "0.2771", for Survey No, "709" Area "0.1988" read "0.1267", for Survey No, "704" Area "0.0158" read "0.0079", for Survey No, "700" Area "0.0950" read "0.0079", for Survey No, "703" Area "0.1029" read "0.0079", for Survey No, "399" Area "0.1346" read "0.1108", for Survey No, "415" Area "0.1267" read "0.0871", for Survey No, "413" Area "0.1900" read "0.1663", for Survey No, "440" Area "0.0554" read "0.0237", for Survey No, "447" Area "0.1425" read "0.1187", for Survey No, "446" Area "0.1980" read "0.1584", for Survey No, "456" Area "0.3009" read "0.2613", for Survey No, "458" Area "0.1108" read "0.0475", and Survey No, "459" Area "0.0020" Survey No, "780" Area "0.0792" Survey No, "701" Area "0.0079" Survey No, "398/1" Area "0.0079" Survey No, "401" Area "0.0711" shall be deleted.</p> <p>At Page No. 4701 against Village Gangati Kalan Tehsil Dudu for Survey No, "953" Area "0.0237" read "0.0475", for Survey No, "963" Area "0.1900" read "0.2137", for Survey No, "964" Area "0.0040" read "0.0158", for Survey No, "1022" Area "0.0711" read "0.1582", for Survey No, "1027" Area "0.0079" read "0.0792", for Survey No, "1036" Area "0.3406" read "0.3961", for Survey No, "1111" Area "0.3009" read "0.3583", for Survey No, "960" Area "0.1108" read "0.0989", for Survey No, "1023" Area "0.2376" read "0.1505", for Survey No, "1026" Area "0.2455" read "0.1742", for Survey No, "1035" Area "0.2455" read "0.1900", for Survey No, "1112" Area "0.1663" read "0.1346", and Survey No, "961" Area "0.0237" Survey No, "962" Area "0.0316" Survey No, "1115" Area "0.0020" Survey No, "1113" Area "0.0237" shall be deleted.</p>
	<p>S.O. 2556 dated 27th November, 1998.</p> <p>S.O. 597(E) dated 24th July, 1999, and</p> <p>S.O. 638(E) dated 9th August, 1999</p>	<p>At Page No. 4696, 4697, 4698 and 27, 28, 29 and 8 against Village Rahlana Tehsil Dudu for Survey No, "1280" Area "0.0950" read "0.1267", for Survey No, "1281" Area "0.0711" read "0.1742", for Survey No, "1306" Area "0.1029" read "0.1580", for Survey No, "1307" Area "0.0079" read "0.1108", for Survey No, "1303/2" Area "0.0079" read "0.0950", for Survey No, "1297" Area "0.0079" read "0.0792", for Survey No, "1852" Area "0.0020" read "0.0237",</p>

Table

S.No	Notification & Date	Amendment
	S.O. 2556 dated 27 th November, 1998. S.O. 597 (E) dated 24 th July, 1999. and S.O. 838 (E) dated 9 th August 1999.	for Survey No. "1275" Area "0.2930" read "0.2692", for Survey No. "1274" Area "0.2059" read "0.1267", for Survey No. "1308" Area "0.2828" read "0.1822", for Survey No. "1301" Area "0.1267" read "0.0158", for Survey No. "1854/1" Area "0.3484" read "0.0400", for Survey No. "1854/2" Area "0.0475" read "0.2140". and Survey No. "1259" Area "0.0040" Survey No. "1273" Area "0.0079" Survey No. "1299" Area "0.0040" Survey No. "1310" Area "0.0475" shall be deleted.
	S.O. 2556, dated 27 th November, 1998	At Page No. 4699 and 4701 against Village Harsoli Tehsil Dudu for Survey No. "945" Area "0.1029" read "0.0237", for Survey No. "959" read "953". for Survey No. "535" Area "0.0316" read "0.1504", and Survey No. "371" Area "0.0040" Survey No. "537" Area "0.1188" shall be deleted.
		At Page No. 4695, 4696 against Village Guda Blalbhji Urf Guda Saipura Tehsil Dudu for Survey No. "192" Area "0.1267" read "0.2613", for Survey No. "244" Area "0.0079" read "0.1980", for Survey No. "242" Area "0.1267" read "0.3326", for Survey No. "213" Area "0.0079" read "0.1188", for Survey No. "214" Area "0.0079" read Survey No. "214/470 1" Area "0.0633", and Survey No. "214/470/2" Area "0.0712", for Survey No. "193" Area "0.1980" read "0.1029", for Survey No. "243" Area "0.3802" read "0.1425", for Survey No. "201" Area "0.3168" read "0.0237", for Survey No. "212" Area "0.1426" read "0.0158", for Survey No. "211" Area "0.5069" read "0.4520", for Survey No. "205" Area "0.2534" read "0.0792", and Survey No. "194" Area "0.0079" shall be deleted.
		At Page No. 4695, 4696 against Village Guda Bhalbhji Urf Guda Saipura Tehsil Dudu for Total Area "5.4212" read "5.5083".
	S.O. 1076(E) dated 5 th November, 2000	At Page No. 5 against Village Guda Blalbhji Urf Guda Guda Saipura Tehsil Dudu for Survey No. "219" Area "0.0040" read "0.1108".
	S.O. 813(E) dated 15 th November, 1998	At Page No. 6 against Village Manpura Tehsil Dudu for Survey No. "37" Area "0.2257" read "0.2534", for Survey No. "26" Area "0.0025" read

Table

S.No	Notification & Date	Amendment
	S.O. 813(E) dated 15th November, 1998	<p>"0.1188" for Survey No. "20" Area "0.0190" read "0.0950", for Survey No. "31" Area "0.0510" read "0.1267", for Survey No. "15" Area "0.1500" read "0.1742", for Survey No. "13" Area "0.0200" read "0.1663", for Survey No. "34" Area "0.1821" read "0.1425", for Survey No. "27" Area "0.1514" read "0.0475", for Survey No. "32" Area "0.1126" read "0.0396", for Survey No. "14" Area "0.1551" read "0.0396", for Survey No. "54" Area "0.2059" read "0.1900", for Survey No. "56" Area "0.3752" read "0.2851", and Survey No. "40" Area "0.0456", Survey No. "38" Area "0.0433", Survey No. "28" Area "0.0414", Survey No. "33" Area "0.0336" shall be deleted.</p> <p>At Page No. 6 against Village Manpura Tehsil Dudu for Total Area "1.8453" read "1.8053".</p> <p>At Page No. 7 against Village Maheshpura Tehsil Dudu for Survey No. "20" Area "0.0888" read "0.1663", for Survey No. "26" Area "0.3228" read "0.3484", for Survey No. "69" Area "0.0020" read "0.1188", for Survey No. "75" Area "0.2621" read "0.3564", for Survey No. "330" Area "0.1780" read "0.2772", for Survey No. "24" Area "0.0792" read "0.0079", for Survey No. "27" Area "0.1683" read "0.0475", for Survey No. "68" Area "0.1600" read "0.1015", for Survey No. "76" Area "0.1586" read "0.0237", and Survey No. "21" Area "0.0480" Survey No. "37/351" Area "0.0480" Survey No. "28" Area "0.0115" Survey No. "333" Area "0.0100" Survey No. "334" Area "0.0140" Survey No. "335" Area "0.0150", Survey No. "10" Area "0.4393" Survey No. "11" Area "0.1505" Survey No. "6" Area "0.0030" Survey No. "5" Area "0.3327" Survey No. "4" Area "0.2376" Survey No. "13" Area "0.1584" Survey No. "3/2" Area "0.2218", Survey No. "3/12" Area "0.0990" Survey No. "3/3" Area "0.1080" Survey No. "3/1/1" Area "0.3643" Survey No. "Way" Area "0.0238" shall be deleted.</p> <p>At Page No. 7 and 8 against village Baget Tehsil Dudu for Survey No. "261" Area "0.1188" read "0.2376", for Survey No. "263" Area "0.0080" read "0.1188", for Survey No. "270" Area "0.0475" read</p>

Table

S. No	Notification & Date	Amendment
	S.O. 813(E) dated 15 th November, 1998	<p>"0.1821" for Survey No. "393" Area "0.1108" read "0.1980", for Survey No. "402" Area "0.1188" read "0.1425", for Survey No. "259" Area "0.2138" read "0.1346", for Survey No. "260" Area "0.2376" read "0.1980", for Survey No. "262" Area "0.2772" read "0.1980", for Survey No. "271" Area "0.3800" read "0.2851", for Survey No. "274" Area "0.1900" read "0.0633", for Survey No. "371" Area "0.2693" read "0.2059", for Survey No. "389" Area "0.2851" read "0.2376", and Survey No. "258" Area "0.0080" Survey No. "254" Area "0.0158" Survey No. "275" Area "0.0040" Survey No. "392" Area "0.0396" Survey No. "390" Area "0.0158" Survey No. "391" Area "0.0040", shall be deleted.</p> <p>At Page No. 8 against Village Baget Tehsil Dudu for Total Area "4.1021" read "3.9595".</p> <p>At Page No. 7 against Village Chrasada Tehsil Dudu for Survey No. "457" read "458".</p> <p>At Page No. 6 against Village Geaga Tehsil Dudu for Survey No. "377" Area "0.0034" shall be deleted.</p> <p>At Page No. 7 against Village Khudiyala Tehsil Dudu Survey No. "224" Area "0.0510" and Survey No. "16" Area "0.0040" shall be deleted.</p> <p>At Page No. 7 against Village Khudiyala Tehsil Dudu for Total Area "2.5661" read "2.5111".</p>
	S.O. 129(E) dated 23 rd February, 1996	At Page No. 10 against Village Dulatpura (Beanad) Tehsil Amer for Survey No. "377/884" read "377/784".
	S.O. 58(E) dated 2 nd February, 1999	<p>At Page No. 27 against Village Choump Tehsil Amer for Survey No. "242" Area "0.1120" read "0.1760", for Survey No. "242/2186" Area "0.0800" read "0.0160", for Survey No. "90" Area "0.0200" read "0.2000".</p> <p>At Page No. 28 against Village Ghatwara Tehsil Amer for Survey No. "582/1189" read "582/1139".</p>
	S.O. 58(E) dated 2 nd February, 1999 and	At Page No. 28, 29 against Village Bilpur Biliya Tehsil Amer for Survey No. "668" read "664", for

Table

Amr 4/10/19

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Survey No. "593" Area "0.0020" read "0.0040", for Survey No. "593" Area "0.0220" read "0.2240", for Survey No. "519" Area "0.0090" read "0.0180" for Survey No. "550" Area "0.0020" read "0.0400", for Survey No. "417" Area "0.2160" read "0.0320" for Survey No. "567" Area "0.0400" read "0.0160", for Survey No. "506" Area "0.0640" read "0.1080" and Survey No. "578" Area "0.0010" Survey No. "511" Area "0.0020" Survey No. "543" Area "0.0040" Survey No. "517" Area "0.0960" Survey No. "551" Area "0.0020" Survey No. "552" Area "0.0020" Survey No. "554" Area "0.0600" Survey No. "553 966" Area "0.0100" Survey No. "553 965" Area "0.0080" Survey No. "553 967" Area "0.0100", Survey No. "581 978" Area "0.0020" Survey No. "376 960" Area "0.0400" shall be deleted.

S.O. 58(F) dated 2nd
February, 1999

At Page No.30 against Village Sunder ka Bas Tehsil Amer for Survey No. "636" Area "0.0240" read "0.0080", for Survey No. "637" Area "0.0320" read "0.0080", for Survey No. "427 609" read "427 680 687", for Survey No. "202" Area "0.0640" read "0.0680", and for Survey No. "202 728" Area "0.0040" shall be deleted.

At Page No. 29 against Village Chak Manoharpura Tehsil Amer for Survey No. "722 1098" read "722 998",

S.O. 58(E) dated 2nd
February, 1999

At Page No. 5 against Village Bilochi Tehsil Amer for Survey No. "402" Area "0.0400" read "0.0100".

S.O. 711(E) dated 2nd
September, 1999

At Page No. 5 against Village Manpura Machedi Tehsil Amer for Survey No. "3683" read "3583".

[No. L-14014/7/2000 GP (Part-I)]
I. S. N. PRASAD, Director

का० का. आ. 1108— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है, कि राजस्थान राज्य में कांडला - जामनगर - लोनी पाइपलाइन परियोजना के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिये गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार ने, कांडला - जामनगर - लोनी तरल पेट्रोलियम गैस पाइपलाइन के लिये का० आ० 241 तारीख 20.01.98 द्वारा राजस्थान राज्य सरकार से गैस अथॉरिटी ऑफ इंडिया लिमिटेड में प्रतिनियुक्त श्री दीपक सी० गुप्ता, अपर कलक्टर को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिये प्राधिकृत किया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन का० आ० 5 तारीख 11 दिसम्बर 1998, का० आ० 10 तारीख 1 दिसम्बर 1998 और का० आ० 15 (अ) तारीख 15 1998 द्वारा उनसे संबद्ध अनुसूचियों में विनिर्दिष्ट रीति से भूमि में उपयोग के अधिकार के अर्जन के लिये अधिसूचनाएं प्रकाशित की थी ;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) और धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह समाधान हो जाने कि लोकहित में ऐसा करना आवश्यक है, यह निदेश करती है कि नीचे वर्णित सारणी के स्तंभ (2) में विनिर्दिष्ट भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रत्येक अधिसूचना, उक्त सारणी के स्तंभ (3) की तत्स्थनी प्रविष्टि में विनिर्दिष्ट रीति में संशोधित की जाएगी।

सारणी

क्र.सं०	कार्यालय आदेश व दिनांक	संशोधन
1	का.आ. 2685 दिनांक 10 दिसम्बर, 1998	पृष्ठ सं० 4943 पर ग्राम भारला तहसील किसानगढ़ के अन्तर्गत खसरा नं० "436" के क्षेत्रफल "0.0079" का "0.0633", खसरा नं० "435/6" के क्षेत्रफल "0.5227" को "0.4673" पढ़ें।
2	का.आ. 1054(अ) दिनांक 9 दिसम्बर, 1998	पृष्ठ सं० 26 पर ग्राम मोड़ी तहसील नसीराबाद के अन्तर्गत खसरा नं० "500" के क्षेत्रफल "0.0792" को "0.0396", खसरा नं० "501" के क्षेत्रफल "0.0158" को "0.0555", खसरा नं० "502" के क्षेत्रफल "0.0792" को "0.1188", खसरा नं० "503" के क्षेत्रफल "0.0712" को "0.1108", खसरा नं० "504" के क्षेत्रफल "0.0950" को "0.0316", खसरा नं० "518" के क्षेत्रफल "0.0792" को "0.0633" पढ़ें। पृष्ठ सं० 26 पर ग्राम मोड़ी तहसील नसीराबाद खसरा नं० "514" के क्षेत्रफल "0.0554" और खसरा नं० "512" के क्षेत्रफल "0.0237" को विलोपित माना जाये।
3	का.आ. 1055(अ) दिनांक 9 दिसम्बर, 1998	पृष्ठ सं० 45 पर ग्राम राजगढ़ तहसील नसीराबाद के अन्तर्गत खसरा नं० "4198" के क्षेत्रफल "0.0950" को "0.0633", खसरा नं० "4196" के क्षेत्रफल "0.0316" को "0.0633", खसरा नं० "3959" के क्षेत्रफल "0.0633" को "0.0079", खसरा नं० "3983" के क्षेत्रफल "0.0237" को "0.0791", खसरा नं० "3957" के क्षेत्रफल "0.0792" को "0.0079", खसरा नं० "3958" के क्षेत्रफल "0.0237" को "0.0079", खसरा नं० "3984" के क्षेत्रफल "0.0554" को "0.1900" और खसरा नं० "3985" के क्षेत्रफल "0.0633" को "0.0158" पढ़ें।

[सं. एल.-14014/7/2000-जी. पी.]

आई. एस. एन. प्रसाद, निदेशक

New Delhi, the 16th May, 2001

S. O. 1108.—whereas it appears to the Central Government that it is necessary in the public interest that for the transport of liquified petroleum gas through Kandla/Jamnagar – Loni pipeline in Rajasthan State, pipeline may be laid by Gas Authority of India Limited;

And whereas, the Government authorised Shri Deepak C. Gupta, Additional Collector on deputation from the State Government of Rajasthan to Gas Authority of India Limited to perform the functions of the competent authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 for Kandla/Jamnagar – Loni LPG Pipeline Project vide S.O. No. 241 dated the 20th January, 1998;

And whereas, the Central Government vide S.O. 2685(E) dated the 10th December, 1998; S.O. 1054 dated the 9th December, 1998 and S.O. 1055(E) dated the 9th December, 1998 published notifications under sub-section (1) of section 3 of the said Act for acquisition of right of user in the land in the manner specified in the respective schedules annexed thereto;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (2) and sub-section (1) of section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of user in Land Act, 1962 (50 of 1962), the Central Government being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notifications of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below may be amended in the manner specified in the corresponding entry in column (3) of the said Table.

S.No	Notification & Date	Table Amendment
1	S.O. 2685 dated the 10 th December, 1998	At Page No. 4952 against Village Bharla Tehsil Kishangarh for Survey No " 436" Area "0.0079" read Area "0.0633" and for Survey No. " 435" Area "0.5227" read Area "0.4673".
2	S.O. 1054(E) dated the 9 th December, 1998	At Page No. 31 against Village Modi Tehsil Nasirabad for Survey No " 500" Area "0.0792" read Area "0.0396". for Survey No " 501" Area "0.0158" read Area "0.0555". for Survey No " 502" Area "0.0792" read Area "0.1188". for Survey No " 503" Area "0.0712" read Area "0.1108". for Survey No "504" Area "0.0950" read Area "0.0316". for Survey No " 518" Area "0.0792" read Area "0.0633" At page No. 31 against Village Modi Tehsil Nasirabad Survey No. "514" Area "0.0554" and Survey No. "512" Area "0.0237" shall be deleted.
3	S.O. 1055(E) dated the 9 th December, 1998	At Page No. 59 against Village Rajgarh Tehsil Nasirabad for Survey No. "4198" Area "0.0950" read Area "0.0633" for Survey No " 4196" Area "0.0316" read Area "0.0633" for Survey No "3959" Area "0.0633" read Area "0.0079" for Survey No "3983" Area "0.0237" read Area "0.0792" for Survey No "3957" Area "0.0792" read Area "0.0079" for Survey No " 3958" Area "0.0237" read Area "0.0079" for Survey No "3984" Area "0.0554" read Area "0.1900" and for Survey No "3985" Area "0.0633" read Area "0.0158"

[No. L-14014/7/2000 GP]
J. S. N. PRASAD, Director

नई दिल्ली, 17 मई, 2001

का०आ० का. आ. 1109—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमे में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का० आ० 3060 तारीख 06 अक्टूबर, 2000 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, हरियाणा राज्य में छायासा टर्मिनल से एन० टी० पी० सी० फरीदाबाद गैस पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा कर दी थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 15 नवम्बर, 1999 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट प्रस्तुत कर दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त भूमि पेट्रोलियम उत्पादन के परिवहन के लिए पाइपलाइन बिछाने के लिए अपेक्षित है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित करने की घोषणा करती है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी वित्त्वगमों से मुक्त गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	ग्राम	गाटा सं०	अर्जित क्षेत्रफल कनाल/मारला
1	2	3	4	
फरीदाबाद	बल्लभगढ़	मौजपुर	12/18/2	1-04
			13/1	0-05
			13/2	1-00
			31/25	0-13
			योग 4	3-0

[सं. एल.-14014/2/98-जी. पी.]

आई. एस. एन. प्रसाद, निदेशक

New Delhi, the 16th May, 2001

S.O. 1109.— whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3060 dated the 11th October 1999, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas through Chhainsa Terminal to N.T.P.C Faridabad Gas Pipeline Project in the State of Haryana by the Gas Authority of India Limited;

And, whereas, copies of the said Gazette notifications were made available to the public on 15th day of November, 1999;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And, whereas, the Central Government has, after considering the said report, is satisfied that the said land required for laying of the pipelines for the transportation of petroleum products;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Gas Authority of India Limited, free from all encumbrances.

Schedule

District	Tehsil	Village	Plot No. Khasra/Marla	Acquired area Kanal/Marla
1	2	3	4	5
Faridabad	Ballabhagarh	Maujpur	12/8/2	1-04
			13/1	0-05
			13/2	1-00
			13/25	0-13
			Total:-	3-02

नई दिल्ली, 18 मई, 2001

का. आ. 1110— केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई सारणी के स्तंभ (2) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (3) में की तत्स्थानी प्रविष्टि में विभिर्दिष्ट सरकारी स्थानों की बाबत अपनी-अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग तथा अधिरोपित कर्तव्यों का पालन करेंगे :-

सारणी

क्रम सं:	गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड (गैल) के अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएँ
(1)	(2)	(3)
1	उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड अगरतला(त्रिपुरा)	त्रिपुरा में अगरतला स्थित गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
2	उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड अहमदाबाद (गुजरात)	गुजरात में अहमदाबाद, कडी, कलोल तथा महेसाणा स्थित गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
3	वरिष्ठ उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड वडोदरा (गुजरात)	गुजरात में वडोदरा तथा वाघोडिया स्थित गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
4	वरिष्ठ उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड गंधार (गुजरात)	गुजरात में गंधार तथा भरुच स्थित गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।

(1)	(2)	(3)
5	वरिष्ठ उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड हज़ीरा (गुजरात)	गुजरात में हज़ीरा तथा सुरत स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
6	कार्यपालक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड झुबुआ (मध्य प्रदेश)	मध्य प्रदेश में झुबुआ स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
7	प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड खेडा (मध्य प्रदेश)	मध्य प्रदेश में खेडा तथा उज्जैन स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
8	प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड लकवा (आसाम)	आसाम में लकवा तथा शिबसागर स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
9	प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड जयपुर (राजस्थान)	राजस्थान में जयपुर, अजमेर, आबू रोड तथा अन्य तरल पेट्रोलियम गैस पाइप लाइन संस्थापनों स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
10	कार्यपालक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड जामनगर (गुजरात)	गुजरात में जामनगर, समखीयाली, पालनपुर तथा अन्य तरल पेट्रोलियम गैस पाइप लाइन संस्थापनों स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सकर्म केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।

(1)	(2)	(3)
11	उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड मुंबई (महाराष्ट्र)	महाराष्ट्र में मुंबई, अलीबाग तथा उसार स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सक्षम केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
12	वरिष्ठ उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड नागापटीनम (तमिलनाडु)	तमिलनाडु में नागापटीनम स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सक्षम केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
13	उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड नई दिल्ली	नई दिल्ली तथा राष्ट्रीय राजधानी क्षेत्र में स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सक्षम केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
14	प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड नोएडा (उत्तर प्रदेश)	उत्तर प्रदेश में नोएडा तथा अन्य गैस, तरल पेट्रोलियम गैस पाइप लाइन संस्थापनों स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सक्षम केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
15	वरिष्ठ उप प्रबंधक(मानव संसाधन) गैस अथॉरिटी ऑफ इंडिया लिमिटेड राजामुन्दरी (आन्ध्र प्रदेश)	आन्ध्र प्रदेश में राजामुन्दरी तथा अन्य पाइप लाइन संस्थापनों स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सक्षम केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।
16	उप प्रबंधक(विधि) गैस अथॉरिटी ऑफ इंडिया लिमिटेड पाता (उत्तर प्रदेश)	उत्तर प्रदेश में पाता, औरैया तथा लखनऊ स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सक्षम केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।

(1)	(2)	(3)
17	उप प्रशासक (विधि) गेस अथॉरिटी ऑफ इंडिया लिमिटेड विजायपुर (मध्य प्रदेश)	मध्य प्रदेश में विजयपुर स्थित गैस अथॉरिटी ऑफ इंडिया लिमिटेड के प्रशासनिक नियंत्रणाधीन विभिन्न सार्वजनिक केंद्रों में नगर क्षेत्रों के अतिरिक्त आवासीय, कार्यालय प्रयोजन के लिए पट्टे पर लिए गए और कंपनी के स्वामित्व वाले स्थान।

[सं. एल.-11011/1/01-जी. पी.]

आई. एस. एन. प्रसाद, निदेशक

New Delhi, the 18th May, 2001

S. O. 1110.- In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a Gazetted Officer of the Government, to be estate officers for the purpose of the said act, who shall exercise the power conferred, and perform the duties imposed, on the estate officers by or under the said Act, within the local limits of their respective jurisdiction, in respect of the public premises specified in the corresponding entry in column (3) of the said Table:-

TABLE

Sl. No.	Designation of the Officer of the Gas Authority of India Limited (GAIL)	Categories of public premises and local limits of jurisdiction
(1)	(2)	(3)
1.	Deputy Manager(Human Resource), Gas Authority of India Limited, Agartala (Tripura)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Agartala in Tripura
2.	Deputy Manager(Human Resource), Gas Authority of India Limited, Ahmedabad (Gujarat)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Ahmedabad, Kadi, Kalol and Mehsana in Gujarat.
3.	Senior Deputy Manager(Human Resource), Gas Authority of India Limited, Baroda (Gujarat)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Baroda and Vaghodia in Gujarat.
4.	Senior Deputy Manager(Human Resource), Gas Authority of India Limited, Gandhar (Gujarat)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Gandhar and Bharuch in Gujarat.

(1)	(2)	(3)
5.	Senior Deputy Manager(Human Resource), Gas Authority of India Limited, Hazira (Gujarat)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Hazira and Surat in Gujarat.
6.	Executive(Human Resource), Gas Authority of India Limited, Jhabua (Madhya Pradesh)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Jhabua in Madhya Pradesh.
7.	Manager(Human Resource), Gas Authority of India Limited, Khera (Madhya Pradesh)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Khera and Ujjain in Madhya Pradesh.
8.	Manager(Human Resource), Gas Authority of India Limited, Lakwa (Assam)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Lakwa and Sivasagar in Assam.
9.	Manager(Human Resource), Gas Authority of India Limited, Jaipur (Rajasthan)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Jaipur, Ajmer, Abu Road and other Liquefied Petroleum Gas Pipeline installations in Rajasthan.
10.	Executive(Human Resource), Gas Authority of India Limited, Jamnagar (Gujarat)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Jamnagar, Samakhiali, Palanpur and other Liquefied Petroleum Gas Pipeline installations in Gujarat.
11.	Deputy Manager(Human Resource), Gas Authority of India Limited, Mumbai (Maharashtra)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Mumbai, Alibaug and Usar in Maharashtra.

(1)	(2)	(3)
12.	Senior Deputy Manager(Human Resource), Gas Authority of India Limited, Nagapattinam (Tamilnadu)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Nagapattinam in Tamilnadu.
13.	Deputy Manager(Human Resource), Gas Authority of India Limited, New Delhi (NCT, Delhi)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at New Delhi in NCT, Delhi.
14.	Manager(Human Resource), Gas Authority of India Limited, NOIDA (Uttar Pradesh)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at NOIDA and other Gas, Liquefied Petroleum Gas Pipeline Installations in Uttar Pradesh.
15.	Senior Deputy Manager(Human Resource), Gas Authority of India Limited, Rajahmundry (Andhra Pradesh)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Rajahmundry and other Gas Pipeline Installations in Andhra Pradesh.
16.	Deputy Manager(Law), Gas Authority of India Limited, UPPC, Pata (Uttar Pradesh)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Pata, Auraiya and Lucknow in Uttar Pradesh.
17.	Deputy Manager(Law), Gas Authority of India Limited, Vijaipur (Madhya Pradesh)	Leased and company owned premises for residential, office purpose, besides townships, in various work centers under the administrative control of the Gas Authority of India Limited at Vijaipur in Uttar Pradesh.

नई दिल्ली, 24 मई, 2001

का. आ. 1111—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का. आ. 2726 तारीख 12 दिसम्बर, 2000 द्वारा उत्तर प्रदेश राज्य राज्य में विद्यमान बरौनी-कानपुर उत्पाद पाइपलाइन के इलाहाबाद-कानपुर सेक्शन से लखनऊ तक पेट्रोलियम उत्पादों के परिवहन के लिए एक बैन्च पाइपलाइन इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 19-12-2000 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार अर्जित किया जाता है ;

यह और कि केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय सभी बिल्लिंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील - कानपुर गाँव का नाम	जिला - कानपुर खसरा संख्या	राज्य - उत्तर प्रदेश क्षेत्र		
		हेक्टर	आर	वर्गमीटर
1	2	3	4	5
छतमरा	526	0	00	96
तहसील - उन्नाव	जिला - उन्नाव			
आटा	889	0	17	59

1	2	3	4	5
ओरहर	220	0	02	41
	2165	0	16	11
तहसील - हसनगंज	जिला - उन्नाव			
मलावौ	587	0	04	11
अजगैन	941	0	10	51
तहसील - लखनऊ	जिला - लखनऊ			
लोनहा	865	0	09	43

[सं. आर.-31015/48/2000-ओ. आर. 1]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 24th May, 2001

S.O. 1111.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas Number S.O., 2726, dated 12th December, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in lands specified in the Schedule appended to that notification for the purpose of laying a branch pipeline to Lucknow for the transportation of petroleum products from Allahabad-Kanpur Section of existing Barauni-Kanpur Product Pipeline in the State of Uttar Pradesh by Indian Oil Corporation Limited;

And whereas, copies of the said notification were made available to the public on 19-12-2000;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And further, whereas, the Central Government after considering the said report decided to acquire the right of user in lands specified in the Schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification are hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, from the date of publication of this declaration in the Indian Oil Corporation Limited, free from all encumbrances.

Schedule

Tehsil - Kanpur		District- Kanpur		State - Uttar Pradesh	
Name of Village		Khasra No.		Area	
				Hectare	Are Centiare
1	2	3	4	5	
Chhitmara	526	0	00	96	
<u>Tehsil – Unnao</u>		<u>District - Unnao</u>			
Atta	889	0	17	59	
Orhar	220	0	02	41	
	2165	0	16	11	
<u>Tehsil – Hasanganj</u>		<u>District - Unnao</u>			
Malwan	587	0	04	11	
Ajgain	941	0	10	51	
<u>Tehsil – Lucknow</u>		<u>District - Lucknow</u>			
Lonha	865	0	09	43	

[No. R-31015/48/2000 OR-I]

S. CHANDRASEKHAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 30 अप्रैल, 2001

का.श्रा. 1112—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में निहित श्रम विवादों के बीच, अनुवध में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय की-काता के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[स.एल-12012/9/2000-आई.आर. (बी-II)]

सी गंगधरण, अवसर सचिव

MINISTRY OF LABOUR

New Delhi, the 30th April, 2001

S.O. 1112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kolkatta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 30-4-2001.

[No. 12012/9/2000-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA

Reference No. 28 of 2000

PARTIES :

Employers in relation to the management of Allahabad Bank

AND

Their workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE :

On behalf of Management.—None.

On behalf of Workmen.—Mr. Ashok Singh, Presiding of the Union.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

By Order No. L-12012/9/2000/IR(B-II) dated 5-6-2000 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Allahabad Bank in imposing the punishment of fine of Rs. 10,000 on Shri Rajendra Kumar Khanna, Dy Head Cashier, Calcutta Main Branch is legal and justified? If not, what relief is he entitled?”

2 This case arose out of the matter relating to one Rajendra Kumar Khanna, Deputy Head Cashier attached to Calcutta Main Branch of the Allahabad Bank. He was asked to officiate as Head Cashier of the Branch from 26-5-1995 to 1-8-1995. While he was officiating as Head Cashier on 13-6-1995 a shortage of Rs. 10,000 was detected in the cash at the time of closing of the cash. The matter was reported

immediately by Shri Khanna to the Chief Manager of the Branch in writing. A Senior Manager of the Branch enquired into the matter and reported the same to the Assistant General Manager. After considering all aspects of the matter, the management issued a chargesheet to the said Shri Khanna by order dated 11-10-1995. The chargesheet was issued by the Chief Manager of the Branch being the disciplinary authority in the case. Shri Khanna gave reply to the chargesheet by his letters dated 20-10-1995, denying all the charges brought against him. The management, however, did not feel satisfied with the reply of Shri Khanna and proposed to hold a departmental enquiry against him and an Enquiry Officer was appointed. For this purpose a Presiding Officer was also appointed to represent the management during the enquiry. Shri Khanna was present during the course of the enquiry alongwith his defence. The enquiry was held on 23-3-1998, 24-3-1998 and 6-4-1998. The documents produced by both the parties were taken into consideration and after examining a witness for the management and considering the documents, the Enquiry Officer recorded his findings. It is stated that the Senior Manager, (Operation) had held a spot investigation and had submitted report to the Chief Manager/Assistant General Manager who also corroborated his report during his evidence before the Enquiry Officer. It is also stated that from the report of the Senior Manager, (Operation) it transpired that the shortage of Rs. 10,000 was owned and accepted by one employee, Shri Khagendra Chandra Modak, Armed Guard of the Branch, who was present on 13-5-1995 on duty in the Cash Department. It is also stated that the chargesheeted workman was not given any opportunity to adduce any oral evidence during the enquiry and because of his bias against the workman, the Enquiry Officer instead of recommending for realisation of the shortage amount from Shri Modak, held Shri Khanna responsible for the same and proposed punishment against him. The Enquiry Officer held Shri Khanna guilty of major misconduct under Clause 19.5(j) of the First Bipartite Settlement of 1966. It is further stated that though the chargesheet was issued on 11-10-1995 the Enquiry Officer was appointed after a long lapse of time by letter dated 31-1-1997 i.e. more than a year. The concerned workman was actually charged under Clause 19.5(j) of the First Bipartite Settlement and the Enquiry Officer also held him guilty under the same clause, but the disciplinary authority found him guilty under Clause 21.4(g) of the Sixth Bipartite Settlement. So, on behalf of the workman it has been described as a case of deviation of charge by the disciplinary authority, which is not permissible in law. It is further stated that Shri Khanna was also charged for allowing four persons to enter inside the cash enclosure, though they were not directly connected with the Cash Dept. of the Branch. But, this charge could not be established in view of the evidence of MW-1 who admitted the prevailing practice of the Branch. It is stated that the help of the said Armed Guard, Khagendra Chandra Modak was taken by Shri Khanna only according to the prevailing practice and he did not commit any wrong in doing so. It is also further stated that before the enquiry the said Khagendra Chandra Modak, Armed Guard admitted at the time of preliminary investigation that he was responsible for the loss of Rs. 10,000. But, in spite of all these circumstances and facts, Shri Khanna was held guilty and punished and was held responsible for the loss of Rs. 10,000. Accordingly, he was ordered to pay a sum of Rs. 10,000 to the Bank. Shri Khanna had subsequently appealed to the Appellate Authority, but the Appellate Authority also did not apply its mind and confirmed the punishment inflicted upon Shri Khanna. It is also stated that apart from the fact that there was long lapse of time between the date of the incident and the date of the chargesheet and the date of appointment of Enquiry Officer, the Enquiry Officer submitted his report on 13-6-1998, though he had completed the enquiry on 23-3-1998. It has been stated in this regard that the Disciplinary Authority could not take a decision at an earlier date as she was also confused to proceed with the case. Accordingly, it has been prayed on behalf of the workman that the punishment of Rs. 10,000 imposed as fine on Shri Khanna be set aside by holding the punishment awarded on him as illegal.

3 After the reference was received and registered, notices were issued to the parties concerned and the service was effected on both the parties, but the management did not put any appearance and the matter accordingly proceeded ex-parte for hearing.

4. In course of hearing Shri Rajendra Kumar Khanna the concerned workman examined himself as WW-1 and he has stated that on the alleged date of incident, i.e. on 13-6-1995 while he was acting as Head Cashier, he had excess amount of cash in his branch to be sent to the Reserve Bank for deposits in Currency Chest. For this purpose, he asked some of the staff of the bank to help him in pasting stickers in the bundle and packets, 10 bundles of notes of Rs. 100 denomination were kept in packet and the packets were to be pasted with suosers. Ultimately, when the packets were returned to him, he found a shortage of a bundle in one of the packets which amounted to shortage of Rs. 10,000. It was at 12.30 P.M. when the shortage was detected. He asked Khagendra Chandra Modak, one of the persons assisting him, to return the shortage amount, but he reported after some time that it could not be traced. Then Shri Khanna reported the matter to the Senior Manager, Operation, who asked him to give the report in writing. Accordingly he prepared a report and filed the same. It is Ext. W-1. The Operation Manager then held enquiry into the matter and made an endorsement to the effect on the report. His endorsement is Ext. W-2. On the same day Shri Khanna was called by the Assistant General Manager and was asked to recoup the loss of the amount alongwith other four persons at the relevant time in his cabin. The companions of Shri Khanna, however, did not agree to do so and then Shri Khanna asked the A.G.M. to report the matter to the Police. Shri Khanna then was asked by him to go away and he went away. It is further stated by this witness that at late hours on that date one L.O. Voucher was issued in his name with Khagendra Modak to make good the loss of the cash. The witness then showed lost amount in Suspense Account and made the payment. Thereafter the cash was closed. Subsequently, a letter was issued to all the five persons in the department and subsequently a chargesheet was drawn-up against Shri Khanna. A copy of the chargesheet is Ext. W-3. Shri Khanna replied to the chargesheet, the copy of which is Ext. W-4. Subsequently, an enquiry was held and Shri Khanna appeared before the Enquiry Officer. One witness was examined on behalf of the management. No witness was examined by the chargesheeted workman because whatever he had to say he had said in his reply. He further stated that after the enquiry a letter was issued to him informing him that the fine was imposed on him. A copy of the enquiry report is Ext. W-5 and the said letter is Ext. W-6. Subsequently, appeal was filed by him, but it was dismissed. The copy of the order of the Appellate Authority is Ext. W-7. After all these the workman approached the union which took up his matter and a letter was sent to the R.L.C.(C), the copy of the letter is Ext. W-8. According to the witness he has been punished without any fault and his punishment is fit to be set aside.

5. The documents filed on behalf of the concerned workman go to justify his statement and claim. It appears from Ext. W-1 that after the incident, Shri Khanna had reported the matter to the Assistant General Manager and the matter was enquired into by the Senior Manager Operation, who had submitted a report Ext. W-2, in which it was stated that Shri Modak had accepted the responsibility for the loss of the cash. So far as the report of the Enquiry Officer, Ext. W-3 is concerned, it is apparent that by discussing the evidence and circumstances, the Enquiry Officer held that so far as engaging of the four persons by the concerned workman was concerned, it was not an act for which he could be held responsible because it was the general practice being followed that persons other than connected with the Cash Dept. were allowed to assist the Cashier in such cases of emergency. But, while dealing with the first charge regarding the loss of Rs. 10,000 it has been held by the Enquiry Officer that the concerned workman, Shri Khanna did not exercise proper supervision over the work and so he was negligent in his work. Accordingly, he suggested that the first charge under clause 19.5(i) was proved against him and accordingly he recommended for action to the Disciplinary Authority. The Disciplinary Authority, therefore, imposed a fine of Rs. 10,000 against the workman concerned, which has been challenged by the workman in the present case.

6. So far as the assertions made on behalf of the workman concerned since the management did not file any written statement denying the same, nor did it examine any witness

to contradict the claim of the workman. As such the assertions made on behalf of the workman stand un rebutted and there is no reason to disbelieve the same.

7. The circumstances disclosed in the statement of claim of the workman supported by the evidence is that for the purpose of preparing the packets for deposits in the Currency Chest of the Reserve Bank, according to the prevailing practice of the Bank, he had taken the help of four persons, including one Armed Guard, Shri Modak and the loss was detected in the lot of Shri Modak only. It also becomes clear from Ext. W-2 that during the preliminary investigation Shri Modak had also admitted this fact before the Senior Manager Operation. Therefore, there does not appear to be any reason why the action of recovery of the amount was not taken against Shri Modak and why it was taken against the said workman Shri Khanna. It is also obvious that all the four persons, who were asked to help Shri Khanna in pasting stickers in the cash were the employees of the Bank and they were engaged according to the prevalent practice. So, it could not be treated as a case of negligence on his part in engaging them and the Enquiry Officer also accepted this fact in his report, Ext. W-5. But, strongly enough, while dealing with the matter of loss of the money or cash, the Enquiry Officer held that Shri Khanna was negligent because he did not exercise proper supervision over the matter. The finding of the Enquiry Officer, therefore, does not appear to be reasonable and convincing. So far as Shri Khanna is concerned, his bonafide is apparent from the fact that immediately after the loss was detected, he brought the matter to the notice of the higher authority and a preliminary investigation was also made by an officer of the Bank who also admitted that Shri Modak had owned the responsibility of the loss. It is also apparent that while the charge was under clause 19.5(j) of the First Bipartite Settlement, the workman was held guilty under clause 21.4 (g) of the Sixth Bipartite Settlement, which appears to be illegal. The punishment awarded against the workman, therefore, is obviously an instance of vindictive attitude of the management and the workman concerned, Shri Khanna has been wrongly punished by the competent authority. It was also against the report of the Enquiry Officer. The punishment awarded on Shri Khanna, therefore, is fit to be set aside.

8. Accordingly, the punishment of Imposition of fine of Rs. 10,000 against the concerned workman, Shri Rajendra Kumar Khanna by the management is held to be illegal and unjustified and the same is set aside. If he has already deposited the aforesaid amount, it should be refunded to him by the management.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,

The 18th April, 2001.

नई दिल्ली, 30 अप्रैल, 2001

का.प्र. 1113:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[सं. एल-12012/94/95-आई. प्रार. (बी-II)]

सी. गंगाधरण, अव्वर सचिव

New Delhi, the 30th April, 2001

S.O. 1113.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court, Bangalore as shown in the annexure

in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 30-4-2001.

[No. L-12012/94/95-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated : 20th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LL.B.,
Presiding Officer.

C.R. No. 75/97

I PARTY :

The General Secretary,
Syndicate Bank Staff Association,
Anooradha Bldg.,
Near A.R. Circle,
S. C. Road,
Bangalore-9.

II PARTY :

The Chief Managing Director,
Syndicate Bank
Head Office,
Manipal.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/94/95-IR(B-II) dated 25-8-95 for adjudication on the following scheme :

SCHEDULE

"Whether the action of the management of Syndicate Bank, Manipal in imposing the penalty of reduction of basic pay to the next lower stage for a period of two years on Sri B. Narayana Nayak, Clerk vide their order dated 9-6-93 legal and justified ? If not, what relief is the said workman entitled ?"

2. The first party was working as a Clerk at Belepet Branch. On account of misconduct enquiry was held and on the basis of enquiry report penalty was imposed reducing basic pay to the next lower stage for a period of two years. Therefore industrial dispute is raised.

3. Parties appeared and filed claim statement and counter respectively. The first party in the claim statement has contented that the chargesheet is not correct. The first party did not commit the misconduct as alleged in the charge sheet. He is the zonal secretary of the first party association and he was victimised for his legitimate trade union

activities. The action of the second party is mala-fide, unfair and intended to victimise him with ulterior notice and also an unfair labour practice resulting in the victimisation of the 1st party. The findings of the enquiry officer is perverse. The charge is baseless and cooked up. The shortage of Rs. 2000/- was on account of procedural lapse and the first party reimbursed the amount. The punishment of reduction in basic pay is not correct. First party for these reasons has prayed to pass an award.

4. The second party filed counter statement contenting that the enquiry is proper and valid. The first party was given full opportunity and the finding is not perverse. On 21-1-1992 the workman left the branch much before the closer of the branch without prior permission from the superiors and without properly tallying and accounting for the cash he received on that day. It was noticed that there was shortage of Rs. 2000/- in the cash that was handed over by the first party to the main cashier. He gave explanation but the explanation is not correct. The workman ultimately reimbursed the shortage on 29-1-92. It was a misconduct on the part of the first party and therefore, charge sheet was issued. Enquiry was held by giving full opportunity. The punishment is proper and proportionate. All the allegations made in the Claim Statement are not correct. There is no victimisation as alleged by the first party. In fact the second party was liberal and considerate by imposing a lesser punishment. The second party for these reasons has prayed to reject the reference

5. It is seen from the records that the first party considered the fairness of the domestic enquiry on his submission case was posted for arguments on merits. After giving adjournment, case was adjourned but the first party not advanced the arguments.

6. I have heard arguments of the second party perused the entire record. Considering the evidence recorded during enquiry and the documents which are marked, I am of the opinion that the management examined the witnesses and proved the misconduct as per the charge sheet. 4 witnesses were examined and 9 documents were marked. It is also clear from the records that the first party made good of shortage amount and all this would go to show that misconduct is proved and the first party was held guilty. There is no reason to disbelieve all this. The first party has not convinced as to how there is victimisation and the domestic enquiry is perverse. I have already said that the fairness of domestic enquiry is completed by the first party. In a situation like this first party must show that the finding is perverse and the punishment is not proportionate. According to the learned counsel for the second party after hearing the first party, pay was reduced and the punishment is proportionate. Taking all this into consideration and in view of the fact that the first party has failed to establish that the finding of the enquiry officer is perverse and there is victimisation,

I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to the PA, transcribed by her corrected and signed by me on 20th April, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2001

का.आ. 1114:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-01 को प्राप्त हुआ था।

[सं.एल-12012/113/97-आईआर(बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 30th April, 2001

S.O. 1114.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 30-4-2001.

[No. L-12012/113/97-JR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 25th April, 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni, B. Com., LLB.

Presiding Officer.

C.R. No. 14/98

I PARTY

The General Secretary,
Syndicate Bank Employees Union,
Central Office,
Kalyan Bhawan,
1st Floor, 69, Armenian Street
Madras-600001.
(Advocate—Sampath Anand Shetty)

II PARTY

The General Manager (P)
Syndicate Bank,
Head Office,
Manipal-576119.
(Advocate—B. C. Prabhakar)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/113/97-JR(B-II) dated 23-2-1998 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Syndicate Bank in imposing the penalty of dismissal on Shri M. M. Pai is legal and justified? If not, to what relief the said workman is entitled?"

2. Notices were issued to parties. Parties appeared and filed claim statement and counter respectively.

3. First party was working in the second party Bank as Clerk. Charge Sheet was issued to him alleging that on 22-5-80 fraudulently obtained a withdrawal slip and made entry in the withdrawal slip and signed it as the signature which was purported to be the signature of Shri K. P. Shama Shetty and misappropriated a sum of Rs. 30,000. There was enquiry and after the enquiry first party was dismissed from service and therefore the present dispute is raised.

4. First party appeared and filed Claim Statement. His case is that the Charge Sheet is not correct. The enquiry is not correct. The withdrawal slip was issued by SB Department. Mr. M. M. Pai was not working in the SB Department. S.B. Account holder, Shri K. P. Shama Shetty has signed the account opening form and specimen signature card in English. The Sub Manager passed the withdrawal slip for Rs. 30,000 and he should have verified the signature on the withdrawal slip with the specimen signature. There is no misconduct. Termination is not correct. The finding is perverse. Charges were foisted on the first party. He is acquitted by the Hon'ble Principal Session Judge Court at Mysore. The first party for these reasons has prayed to pass an award in his favour.

5. The Second Party appeared and filed counter. The case of the second party is that Shri M. M. Pai joined the services of second party as a Clerk on 15-11-1975 and the first party was on the rolls of Chickmangalore Branch of the Second party since 19-8-1977.

6. The first party while working at Chickmangalore obtained a withdrawal slip bearing No. 293034 on S.B. Account No. 21341 of Shri K. P. Shama Shetty, a customer on 22-5-1980 by putting the forged signature of the customer in the issue register. He also applied the forged signature of the customer on the Master Sheet of the SB Account of Shri K. P. Shama Shetty. Subsequently, after 2 days i.e. on 24-5-1980, he fraudulently withdrew a sum of Rs. 30,000 from the said account of Shri K. P. Shama Shetty, by forging signature on withdrawal slip. When the fraudulent act of the first party was brought to the notice of the first party, he admitted the acts and reimbursed the amount to the bank.

7. The said acts of the first party was not correct and it amounts to misconduct. His explanation was not proper. Charge sheet was issued and enquiry was held against the first party. The enquiry was in accordance with the rules and regulations. Full opportunity was given to the first party and the enquiry is valid and proper. First party fully participated in the enquiry and defend himself during the enquiry. The findings of the enquiry officer are based on oral and documentary evidence. The finding is correct. The management considering the seriousness, has passed order of dismissal and the same is correct. It is also said that the CBI had challenged the orders of Session Judge by filing criminal appeal No. 8/1993 before the Hon'ble High Court of Karnataka. The order of Trial Court was set aside and the first party was convicted of the offence.

8. It is further contented that the first party admitted the incidence. The second party for these reasons and for various other reasons stated in counter has prayed to reject the reference.

9. It is seen from the records that on behalf of the management, MW1 was examined. He was appointed as enquiry officer and conducted enquiry against the first party. His evidence is that he considered the request of the General Secretary and adjourned the dispute and issued fresh notice of enquiry. On 13-7-93 enquiry was fixed. Mr Umesh Nayak represented the first party. He has also stated that all the documents and list of witnesses were given to the first party. He explained the procedure adopt in the enquiry. 6 witnesses were examined and all were cross examined by the first party.

First party gave his evidence. He has also stated that he has given full opportunity for the workman for participating and defending his case.

10. The first party has not given any evidence even after giving adjournment. Orders were passed on domestic enquiry holding that the same is fair and valid. Thereafter case was posted for arguments. The first party remained absent. I have heard the learned counsel for the second party. I have perused all the documents and the enquiry proceedings very carefully. There is nothing on record to say that the finding of the enquiry is perverse. I have carefully perused the documents and I am of the opinion that the charges are proved and the finding of the enquiry officer is correct. The finding is based on the evidence and the documents. The first party has not even examined himself to rebut all this.

11. Now the question which arises for my consideration is whether the punishment in the given circumstances is proportionate. Admittedly the case against the first party is that he is committed fraud. The nature of misconduct is very serious. The first party has not established that the punishment awarded is disproportionate and there is unfair labour practice by the management. On the other hand the management has proved the charges and it is also clear that the charge is serious in nature and from the records it is also clear that the first party is convicted by the High Court of Karnataka for the misconduct in question. Taking all this into consideration I am of the opinion that there is no perversity in the finding given by the enquiry officer and the punishment is proper and this reference has no merit. Accordingly I proceed to pass the following order:

ORDER

The Reference is rejected.

(Dictated to PA, transcribed by her corrected and signed by me on 25th April, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2001

का.आ. 1115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[सं.एल-12012/355/94-आईआर(बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 30th April, 2001

S.O. 1115.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 30-4-2001.

[No. L-12012/355/94-IR(B-II)]

C. GANGADHARAN, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 23rd April, 2001

PRESENT:

Hon'ble Shri V. N. Kulkarni B. Com. LL.B.,

Presiding Officer

C.R. No. 35/97

I PARTY

The General Secretary,
Syndicate Bank Staff Association,
Anooradha Building,
Ananda Rao Circle,
S. C. Road,
Bangalore-9.

II PARTY

The Dy. General Manager,
(Zonal Office)
Syndicate Bank,
Punja Building,
Lalbaugh,
Mangalore.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-Section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/355/94-IR(B-II) dated 8th May, 1995 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of Syndicate Bank Mangalore in withdrawing the special allowance in respect of Shri Prakash D. Malagi Clerk from 1992 is legal and justified? If not, what relief is the said workman entitled to?"

2. The first party was working in the second party as Telex Operator at Hubli Durgad Bail Branch since 1975. he was paid a special allowance of Rs. 25 per month for having performed special allowance duty of telex operator since his joining Durgad Bail Hubli Branch, and telex facility was withdrawn from Hubli Durgad Bail Branch on 6-12-77 by the management. The first party was given duties of telephone operator and special allowance was not paid. Therefore industrial dispute was raised.

3. First party appeared and filed claim statement contenting that he was receiving enhanced allowance till the expiry of III Bipartite Settlement and the withdrawal order is illegal and not correct. He was transferred from Hubli to Belgaum against the transfer norms and also against the provisions of Bipartite Settlement. Workmen will be entitled to special allowance only so long as he is incharge of such work or performance of such duties which attract such allowance. Since last 14 years first party is working as telephone operator and special allowance payable to him cannot be withdrawn unilaterally. First party for these reasons has prayed to pass an award in his favour.

4. Second party appeared and filed counter statement contenting that the dispute is not legally and properly espoused by first party association and substantial number of workmen of second party have not supported the cause of the first party workman. Therefore, the reference is liable to be rejected on this ground. Hubli main branch had a telex machine and the first party was entrusted with the said additional duty. In the year 1977 due to administrative reasons the second party took decision to surrender the telex connection and therefore special allowance paid to the first party was withdrawn and action of the management is correct. The first party submitted a letter stating that he has been functioning as PBX operator in addition to the regular duties as typist and requested to sanction a special allowance of Rs. 10 per month and he was given special allowance. It was specifically stated that the said allowance will be given till he ceases to perform the duties entrusted. It is the further case of the management that the first party was not entrusted with the additional work on operating the PBX from January 1992. Therefore, the question of special allowance to the first party does not arise at all. The special allowance w.e.f.

January, 1992 is withdrawn. As per clause 5.9 of the Bipartite Settlement, the workmen will be entitled to special allowance only so long he is incharge of such work or the performance of such duties which attracts such allowance. The Second party for these reasons has prayed to reject the reference. The management examined MW1 and documents were marked in the evidence for management. Against this workman got examined. I have perused documents marked for management and workman. We are having the evidence of MW1 Dy. Chief Officer. He was entrusted to personal intentions of workman working in Hubli and Belgaum Branches. First party was appointed as a temporary clerk at Hubli main branch and subsequently he was confirmed. He has also stated that special allowance carrying duties were entrusted to him. Special allowance is in addition to the regular salary of the employee and the same is paid till the concerned employee carry out special duties entrusted to him with written orders. He has given detailed evidence regarding surrender of telex connections. He has also stated special allowance was paid to the first party till he performed special allowance duty. The special allowance system was carrying work on rotation basis to the eligible candidates. Ex. M12 is the relevant order. He has also stated that the first party is not entitled to special allowance after facility was withdrawn. He has categorically stated in his cross examination that the work of PBX operator was not permanent. He had also stated that on the request of the first party he was transferred. There is no reason to discard this evidence of MW1. Against this WW1 has given detailed evidence and he said that he is entitled for special allowance. He admits in his cross examination that the operation of telex was withdrawn by the bank. He has categorically stated that he has not worked as PBX Operator from January, 1992. The first party is not entitled for special allowance. He has stated that he is aware of the settlement entered between the union and the management that the work of PBX operating shall be given on rotation basis. Considering the entire evidence of management and the workman and the documents, I am of the opinion that there is no merit in the dispute.

5. It was vehemently argued by the learned counsel for the second party that no resolution of union espousing the cause produced by the union and therefore, the dispute is not maintainable. It is clear that no documents are filed by the first party. The learned counsel for the second party support of this arguments relied in Deepak Industries Ltd. and another, Appellants Vs. State of West Bengal and others V/s Sankar Prasad Mitra C.J. and Salil K. Roy Chowdhury J 1975, LAB I.C. 1153 (Calcutta High Court). I have read the above decision carefully. Admittedly the present dispute is by the Joint Secretary Syndicate Bank Staff Association, Bangalore. In a situation like this the union has to file some material documents to establish that the union has been duly authorised and it has the authority to represent the workman, but no documents are filed.

9. On merit I have already hold that the management his rightly stopped the special allowance and the workman is not entitled for special allowance. Taking all this into consideration I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her, corrected and signed by me on 23rd April, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 16 अप्रैल, 2001

का.आ. 1116—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अप न्यायालय

नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-4-2001 को प्राप्त हुआ था।

[स. एल-12011/33/92-आई. आर. (बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 16th April, 2001

S.O. 1116.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 11-4-2001.

[No. L-12011/33/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 88/92

In the matter of dispute between :

Shri Ichhuv Sarkar & 184 others
through Secretary,
Punjab National Bank Canteen Worker's Union,
House No. 265, Block No. 8, Khichripur,
Delhi-110051.

Versus

The Management of Punjab National Bank,
7, Bhikaji Kama Place, New Delhi.

APPEARANCES :

Shri Inderjit Singh—for the workman.

None—for the Management.

AWARD

Canteen Employees of various branches of Punjab National Bank (in short hereinafter referred to as Bank) within the territory of Delhi had made demand for their regularisation in Bank's service deeming them as Bank's employees and payment of their wages equal to regular employees of their category of the Bank on the principle of equal pay for equal work and also for the grant of other service benefits to them available to the regular employees. As per statement of the claim when their demand could not be fulfilled by the Bank they had themselves formed a Union named as Punjab National Bank Canteen Workers' Union, Delhi, registered under the Trade Unions Act, 1926, on 24-2-1988, and an industrial dispute to this effect was raised, for the settlement of dispute before Regional Labour Commissioner (Central) and Conciliation Officer, New Delhi, but it could not succeed. After the failure of reconciliation proceedings, Central Government in the Ministry of Labour then made this reference under Section 10 (1)(d) and 2(A) of Industrial Disputes Act, 1947 (hereinafter referred to as Act) vide its Order No.

No. L-12011/33/92-I.R. B-2 dated Nil for the adjudication of the dispute on the following terms :—

“Whether Ichuv Sarkar and other 184 names given in the enclosed list were the employees working in the various branches of Punjab National Bank in the Union Territory of Delhi. If so whether they were eligible for regularisation and payment of equal pay for equal work and also other benefits as applicable to the employees of the Bank? If not, to what relief are the workmen concerned entitled to?”

All the canteen employees covered and named in the order of reference aforesaid now onward be addressed as petitioners. After receipt of the said reference order and after registration of the case in this Tribunal/Labour Court notices to petitioners and to Bank were issued for filing their respective cases in writing.

2. Statement of claim, written statement and rejoinder were exchanged between the parties and evidence by both the parties in support of their cases was led. Written arguments were also filed by both the parties in the end. Petitioners' case has been espoused by the Punjab National Bank Canteen Workers Union and Statement of claim has been filed by its General Secretary Shri Vinod Sharma.

3. It is averred on behalf of the petitioners that Bank was a premier public sector banking institution of the country having its branches all over the country and its head office at Parliament Street, New Delhi, that there were about 120 canteens functioning in various branches/offices of the Bank within Delhi and New Delhi and about 250 workers were working in those canteens, that the status of these workers was that of Bank's Employees and workmen were within the Act and were entitled for all those service benefits available to Bank's employee, that they were also entitle for the regular salary of the Bank's employee on the principle of equal pay for equal work, that the Bank had illegally denied their status of workmen and treated them as canteen contractors and paid their remuneration in the shape of subsidy which was earlier Rs. 15 per employee till the month of April, 1989, and thereafter it was raised to Rs. 25 per employee working in the branches, that the Bank taking the advantage of poverty of the petitioners and the acute unemployment in the country had exploited them for denying them their due status, and remuneration in utter violation of the provisions of the Act as well as Articles 14, 16 and 21 on the Constitution of India.

4. It has been further averred on behalf of the petitioners that all the canteens in questions were actually part of the Bank Establishment because these canteens were functioning under the supervision and direct control of the Management of the Bank through a committee constituted in every branch/office of it and the committee consisted of (i) Incharge of the branch/office (ii) Second Man (Officer) of the Branch/Office (iii) Senior most full time confirmed staff, that the entire control on the functioning of the canteen right from taking decision of items to be prepared fixation of its charges to the fixation of the working hours of the canteen of the said committee and the

Contractor had absolutely no say in the matter and was bound to carry out the instructions of the committee, that no item prepared in the canteen was permitted to be sold to outsiders and canteen was run solely for the employees of the branches of the Bank, that the canteen employees had to serve the Bank's officers and staff not only during normal working hours, but mostly in late hours when officers and staff of Bank had to sit in late hours to complete their work and in that eventuality canteen employees were allowed to stay overnight in the Bank's premises. It is further averred on behalf of the petitioners that canteen employees were employed on a work of parenial nature being incidental to the proper and efficient running of the branches/offices of the Bank, that the canteen employees were paid their remuneration, directly by the employer in disguised of subsidy, that beside it the Bank had provided accommodation, electricity gas etc. free of cost for running the canteen. Hence according to the petitioners Bank's action denying them the benefit of regularisation, equal pay for equal work and other benefits available to regular employees of the Bank was improper, unjust and illegal. Petitioner's have sought relief for the said benefits.

5. The Bank has denied the petitioner's case in its written statement and had asserted that claim preferred by the petitioner is wrong baseless, illegal and is liable to be rejected. According to the Bank the petitioners were not its employees and in fact they were either Contractors or their employees and were independently running the canteens in the Bank's branches. It is stated by the Bank that none of the petitioner was employed or appointed by the Bank and no relationship of employers and employee between them had ever existed and thus no industrial dispute within the meaning of Act had arisen between the Bank and the Canteen Workers (Claimants) These workers were not even workmen as defined under Section 2(S) of the Act and their claim is not maintainable.

6. It is further stated by the Bank that some of the workmen had filed writ petition No. 1395 of 1986 before Hon'ble Supreme Court of India for their regularisation of the service under the Bank, and their petition was decided vide order dated 12-1-87 by the Hon'ble Supreme Court of India and it was held that workmen were employed by the Contractor and in view of it also workmen's claim is not maintainable.

7. The Bank has further stated that the list of workmen filed in the case contains some of the names of fake persons and also of those persons who are not in existence False and imaginary names have been added in the list of workmen and no relief is available to them even assuming for a while without admitting that relief claimed can be granted to them Bank has filed list of Canteen Contractors of Delhi as Annexure 'A' of Written Statement.

8. It is next stated by the Bank that there was a recruitment process for the selection and appointments of clerks and subordinate staff of the Bank through the agencies of Banking Service Recruitment Board and Employment Exchange and without following the procedure it was not possible for the work-

men to get their entry in the service of the Bank and by taking them into service without following the procedure of recruitment would be depriving the general public, the equal opportunity of selection and appointment and it would also be discriminatory and violation of Article 14 and 16 of the Constitution of India. The Bank has however admitted that in order to provide facility to its employees a scheme for providing canteen at its branches and offices was introduced and a circular dated 17-3-83 was issued in this respect but the Bank has further stated that under the Scheme a committee consisting of the Bank's employees of its branches and offices was formed and this committee used to enter into a contract with canteen contractors for snacks and other eatables to Bank's employees and customers at subsidised rate. The Contractor of the canteen was an independent employee and it was he who used to sell eatables to the employees and other customers and used to charge the price directly from them and earned profits. The contractors were free to engage employees of their choice to carry on the work undertaken by them. The canteen workers were not subjected to rules and regulation of service as applicable to regular employees of the Bank. The Contractors were not subjected to disciplinary action. They were free to act according to their wishes. The canteen committee was simply an advisory body only to negotiate the prices and to ensure the quality of the food stuff. Canteen Committee had no power of supervision or control over the working of the canteen nor it would give suggestions in what manner the canteen work should be done. In order to compensate the contractors they were paid a fixed amount as subsidy and at the initial stage it was Rs. 4 per employee which used to be changed from time to time and ultimately the amount of subsidy was enhanced to Rs. 25 to Rs. 35 per employee depending upon the area of the branches and offices concerned. According to the Bank the contractors were undoubtedly provided infrastructures like gas cylinders stove, kerosene and utensils etc.

9. The Bank has again stated that Banking business was done under Banking Regulations Act, 1949 and providing the facility of Canteen was neither obligatory nor incidental on the Bank. The Bank's case also is that the workmen were independent employers, the contract labour (Regulation & Abolition) Act, 1970 was not applicable to them. The Bank has denied that any unfair labour practice was committed against the workman by the Bank. The Bank has prayed for the rejection of the claim of the workmen.

10. The Petitioners have filed rejoinder. It is more or less reiteration of the allegations made in the statement of claim.

11. Parties have led evidence in support of their respective cases. On behalf of the petitioner's affidavit of one Shri Montoo Sarkar is filed. It is exactly the repetition of all the averments made in the statement of claim. He has also given additional affidavit showing details of posting and termination of some of the petitioners in compliance of the order of this Tribunal passed on 14-9-95 on an application of the petitioners under section 33-C(2) of the Act.

He has been cross-examined on behalf of the Bank as WW1. His affidavit has been marked as Ex.

WW1/1. On behalf of the Bank affidavit of Smt. Rashmi Khanna Personnel Officer and of Shri V. K. Mehrotra the then Manager of the Bank of the branch at Nizamuddin New Delhi have been filed. Both of them have supported the case of the bank. Both of them have been cross-examined by the petitioners. The affidavits of Smt. Rashmi Khanna and Sri V. K. Mehrotra have been marked as Ex. MW1/1 and Ex. MW2/1 respectively. According to both of them the petitioners were either independent Contractors or employees of the contractors. They have denied that the petitioners were employees of the bank. They have stated that there was no relationship of employer and employee between the bank and the petitioners. They have given the details in support of their assertions that the petitioners were not employees of the Bank. They have, however, not denied about the introduction of the scheme for providing canteen at the branch office of the bank and the issuing of circulars. Shri V. K. Mehrotra has further stated that a Committee consisting of employees of the branches of the bank was formed under the scheme to provide canteen facilities to its officers. He has stated that a committee used to discharge its function independently and it used to enter into contract with the contractors for providing coffee, tea and other eatables to the employees. The bank being public financial institution has to in which ensure safety and security of its properties and thus no unauthorised person was allowed to sleep inside premises of the Bank. I Card to some of the petitioners were issued only for the purpose of their identity in view of the Security reasons. Issuing of I Card according to him was never meant that the petitioners were employees of the Bank. He has also stated that petitioner's were never paid wages but were given subsidies as per provisions of the Bank's Scheme. He has again stated that as per bank's record a loan was taken by some of the petitioners from the Bank on the basis of there being self employed persons having independent business and the loans were taken by them to improve or to expand their business. He has mentioned the name of such petitioners who were given the loan the names of such are S/Shri Sham Lal, R. P. Sharma, Subhash Chand Suri. Photo copies of loan applications given by the petitioner's have also been annexed with the affidavit as Ex. R-1 to R-9. Both of these bank's witnesses have also been cross-examined by the petitioners.

12. Arguments on behalf of the parties heard and necessary material available on the record of the case examined.

13. The point which in my view needs adjudication is whether canteen is the part of the establishment of the Bank and the petitioners being canteen employees are actually Bank's employees and are entitle for the regularisation of their service and other service benefit as claimed by them.

14. It is urged on behalf of the petitioners that in order to improve efficiency and output of the banks officers and staff it was the necessary function of the Bank to provide canteen facilities within its premises and with this view Bank had actually provided canteen facilities to its staff by means of circular letter No. 23/83 dated 17-3-83. According to one of the terms of the circular the functioning of the canteen

was under the supervision and direct control of the management of the Bank through a Committee known as implementation Committee constituted at each branch office of the Bank. The implementation Committee consisted of the officers of the Bank viz. (i) In-charge of the branch (ii) Secondman (Officer) of the branch (iii) Senior most full time confirmed staff. This Committee according to the petitioners was having full control over the canteen for running business of the canteen in the manner that it used to decide items to be prepared for supply to the officers and staff and to fix price to be charged for each item. The working hours and other details of the work were also decided by the committee. The canteen employees had no say in this way and they had to carry out all the instructions of the Canteen Committee. It is next submitted that in pursuance of the said scheme of providing canteen the Bank had appointed workmen as canteen incharge to run the canteen with appropriate number of employees and thus the petitioners being employed by the Bank were its employees and workmen within the meaning of Section 2(2) of the Act and the Bank was an industry as defined in the Act. It is again submitted that according to Section 2(2) any person including an apprentice employed in an industry to do any manual, shifted unskilled, technical, work for hire or employment expressed in implied in a workman. In the same breath the petitioners have submitted that according to definition of the workman given in Section 2(2) of the Act. It is not necessary that person should be employed in a substantive capacity or on temporary basis. Every person employed in an industry irrespective of his status of being temporary permanent probationer or otherwise is a workman as held in the case of *Hutchiah Vs. Karnataka State Road Transport Corporation* (1983) 1 LLJ 30.

15. The petitioner's next contention in this respect is that the petitioner's were given remuneration in the shape of subsidy which actually amounted as wage within the definition of Section 2(r) of the Act. The petitioners have again contended that the said definition of the wage only postulates that the remuneration must be capable of being expressed in terms of money payable to a workman in respect of his employment, or for the work done in such employment. In support of this contention petitioners have relied on the case of *Bhaganand Colliery Vs. Their workmen* (1962) (II) LLJ 356 SC. In the said case *Sardari* being paid as commission for normal work was held as wages within the meaning of Section 2 (r) of the Act. On its basis petitioners have again contended that subsidy which was fixed after taking into consideration normal remuneration which petitioners could have ordinarily earned in connection with their employment or work done in such employment would per say come within ambit of definition of the wages. The petitioners have thus laid stress that definitely there existed the relationship of employer and employee between them and the Bank.

16. The petitioner's have denied the bank's contention that they were either independent contractors or employees of such contractors. In support of this contention the petitioners have given circumstances as firstly that none of the provisions of the contract

labour (Regulation and Abolition Act, 1970) were complied with before engaging the petitioners as Contractors. Secondly that no notice/tender/advertisement was published calling for the rates or quotations for the said contract. Thirdly that canteen employees were working under the control and supervision of the branch management. Fourthly that there was no mutual agreement or deed of agreement which could have been entered into and executed in this respect between the alleged contractors of the Bank.

17. In support of their contention of the existence of employer and employee relation between them and the bank the petitioners have further argued that the identity cards were issued to the canteen employees and in some cases certificates were also issued by the management of the bank confirming their employment and it is strong indication to show about the existence of the relationship of employer and employee between them. Secondly that besides the normal work pertaining to the Canteen some of the canteen employees were also asked to do other miscellaneous work of the Bank. Thirdly that the canteen facilities were utilised only by the officers and staff of the bank and no outsider was allowed to take the canteen benefits.

18. The last contention of the petitioners in this respect is that all the infrastructure facilities like accommodation, furnitures, gas cylinders etc. were provided by the bank and it is according to them one or the other reason to come to the conclusion that the canteen was being run by the bank and its employees are the bank's employees. The petitioner's have also placed reliance on the case of *Parimal Chand Raha and others Vs. L.I.C. and others* 1995 (II) LLJ 259 (SC).

19. On behalf of the bank all the contentions of the petitioners have been strongly opposed and the bank has made the following submissions. Firstly bank was not under any obligation statutory or otherwise to provide facility of the canteen to its officers and staff. The facility of providing canteen extended to the officers staff of the Bank vide circular dated 17-3-83 was only by way of welfare measure and it will be no ground for the petitioners to claim themselves as the bank's employees. The Canteen was being run and supervised by the Canteen Committee which was only empowered to enter into contract with the Contractors for providing coffee, tea and other eatables and a subsidy as agreed was paid to the contractors on the basis of the strength of the employees in the canteen depending upon the area of the branch concerned. The canteen committee was only advisory body to negotiate the price and to ensure quality and eatables and it was open to the contractors to carry on the work of the canteen according to their wish and choice. The profits earned by the contractors were appropriated by themselves. It is further submitted in this respect that the canteen employees were not governed by any rules and regulation of the bank as applicable to the regular employees. The bank has no control and supervision over the bank canteen or supply of eatables. The Bank was not carrying any trade or business in the Canteens. The Bank had no right to take any disciplinary action against the canteen emp-

loyees. It cannot direct canteen employees or contractors to do a particular work. The bank had no say or control regarding allocation of the work or where only work was to be carried out by the contractors or by the canteen employees. It is also submitted on behalf of the bank in this respect that the loans were taken by some of the canteen employees under the Self Employment Programme for urban poor for their own business is a strong to show that the canteen employees were never treated as bank employees and there existed no relationship of master and servant between the canteen employees and the Bank. Under the Industrial Law according to the bank the existence of master and servant is necessary to find out whether the petitioners were the bank's employees or they were employees of the Canteen only. In support of the submissions of the existence of master and servant relationship the bank has relied upon the case of *Puri Urban Cooperative Bank Vs. Modhusudan Sahu* 1982(81) FJR 454 S.C. The relevant observation made by the Hon'ble Supreme Court in the said case is given as under :—

"It stands established that industrial law revolves on the axis of master and servant relationship and by the catena precedents it stands established that the *prima facie* test of existence of the right in the master to supervise and control the work done by the servant. (The measure of supervision and control apart) not only in the matter of directing what work the servant is to do but also the manner in which he shall do his work. And principle hold the field."

20. Again it is submitted that the Bank had a definite recruitment procedure for recruiting the clerk and subordinate staff. Such recruitment was being done through Banking Service Recruitment Board and Employment Exchange respectively. There was also an eligibility criteria subject to the reservation policy for such a recruitment. The procedure thus prescribed for recruitment according to the Bank could not be by-passed as it would be discriminatory in so far as general public is concerned and it would also be violative of Article 14 and 16 of the Constitution of India. If the entry in the Bank service of the petitioner could be taken in this manner the general public would be deprived of equal opportunity and such back door entry cannot be permitted in any manner to the petitioners.

21. The next submissions of the bank is that the Contract Labour (Regulation and Abolition) Act, 1970 was not at all applicable in the case of the petitioners because they were themselves independent employers. The Bank has also denied that the contract between the Canteen committee and the Petitioners was in any manner one sided. The Bank has again denied that if the infrastructures were provided by the Bank to the canteen it would never mean that the Canteen business was being run by the Bank itself and Canteen employees would be its employees.

22. The Bank has strongly placed reliance on the following two authorities of Hon'ble Supreme Court of India *Employers, Management of Reserve Bank of India Vs. Workmen, Reserve Bank of India* 1996 (73)FLR 965. *State Bank of India and others*

Versus State Bank of India Canteen Employees Union (Bengal Circle) and others Judgements today 2000(5) S.C. 63

23 I proceed to examine.

24. At the very outset I will like to say that it is now a settled position that in law if there is an obligation on the Bank to provide a Canteen, then the Canteen Employees would be certainly the employees of the Bank, and if not the employees working in the Canteen may not become part of the establishment.

25. Hon'ble Supreme Court of India has an occasion to deal with the similar subject matter as involved in the present case in the case of the *Reserve Bank of India Vs. Their workmen* 1996(73)FLR 965 and after discussing and accepting the ratio of judgement of Hon'ble Supreme Court in another case of *M.M.R. Khan Vs. U.O.I.* 1990(61)FLR 271(SC) has found the classification of Canteen with three following categories.

- (i) Statutory Canteens required to be provided compulsorily in view of Section 46 of the Factories Act, 1948.
- (ii) Non statutory Recognised Canteens i.e. Canteens established with the prior approval and recognition of the Bank Employer.
- (iii) Non statutory non recognised canteens i.e. Canteens established without prior approval or recognition

26. In the said case too Canteen Employees of Reserve Bank of India had raised the dispute for the grant of their regularisation in service and other service benefits equal to the regular staff of the Bank treating them also as Banks employees. Reference which was made by Government of India for adjudication of dispute under section 10(1)(d) read with Section 2A of the Act was as under :—

"Whether 166 employees engaged in various catering establishments of Reserve Bank of India at Bombay are the workmen of Reserve Bank of India? If so, whether their demand for regularisation with retrospective effect was justified? If so, the extent of relief payable to these 166 persons may be indicated.

The case was decided in favour of the canteen employees by the Tribunal. On appeal before Hon'ble Supreme Court the judgement and order of the Tribunal was set aside.

27. On behalf of the canteen employees pleas taken were (i) that Bank was under a statutory obligation to provide canteen facilities to the employees and it was being done through agencies i.e. implementation Committee (Canteen Committee, Cooperation Society and Contractor instead of the Bank doing its nonby employing persons directly (ii) Bank was not empowered to shift its responsibility to others because the entire economic control was with the Bank and thus persons employed in the canteens whether by the Implementation Committee or by the Cooperative

Societies or by the Contractors should be directed to be absorbed with retrospective effect with point to point adjustment and the Bank be directed to pay difference of wages.

28. On behalf of the Bank all the above contentions were refuted and it was pleaded that Bank had made available space for running the Canteens on lease and licence basis and various facilities were also provided to the implementation Committee, Cooperative Society or the Contractor whosoever was running the canteen. The Management of the Bank was not responsible for the employment of persons in the canteen. The Bank was not supervising nor controlling the working of the Canteens or the supply of eatables to employees. The employees were not under obligation to purchase eatables from the canteen. There was no relationship of master and servant between the Bank and the various persons employed in the Canteen. The staff canteen was established only as a Welfare measure Bank had no statutory or other obligation to run the canteen and if had no direct control or supervision over the employees engaged in the Canteen. Bank had no right to take any disciplinary action or to direct any canteen employee to do a particular work. The disciplinary control over the persons employed in the canteen did not vest in the Bank nor the Bank had any say or control regarding the allocation of the work or the way in which work was to be carried out by the Canteen Employees. Sanctioning of leave, distribution of work Maintenance of the Attendance Register were all done either by the implementation Committee or by the Cooperative Society or by the Contractor. Hon'ble Supreme Court has rejected the pleas of the Canteen Employees and giving classification of the categories of the Canteens as mentioned above has made observation, the relevant portion of it is given below :—

'In the absence of any statutory or other legal obligation and in the absence of any right in the Bank to superwise and control the work or the details thereof in any manner regarding the canteen workers employed in the three types of canteens, it cannot be said that the relationship of master and servant existed between the Bank and the various persons employed in three types of Canteens. 166 persons mentioned in the list attached to the reference are not workmen of the Reserve Bank of India and that they are not comparable to employees employed in the Officers Lounge. Therefore the demand for regularisation is unsustainable and they are not entitle to any relief he hold that the award passed by the Tribunal is factually and legally unsustainable."

29. Again on the identical and similar dispute Hon'ble Supreme Court of India has dealt with the issue in the case of State Bank of India and others Vs. State Bank of India Canteen Employees Union (Bengal Circle) and others J.T. 2000(5) S.C. 63 and has approved the ratio of the case of the Reserve Bank of India Vs. Their workmen (Supra) In this case the pleas of both the parties were same as that of the case of the Reserve Bank of India Vs. Their Workmen (supra).

30. The point of dispute that Canteen Employees were the Bank's employees and were entitle for the benefits of their absorption and other service benefits equal to regular employees of the Bank Hon'ble Supreme Court has again elaborately dealt with Hon'ble Supreme Court took into consideration the contentions of the Canteen Employees that as per terms of the Sastry Award 1953 and also as per provisions of Hand Book on staff welfare Activities the Bank was under obligation to provide canteen facilities to its staff and canteen workers were thus actually the Bank employees, and has repelled the aforesaid contentions of canteen employees. In this respect Hon'ble Supreme Court has held "that neither the terms of Sastry Award nor the Hand Book Cast any obligation, statutory and contractual that staff working in canteen would be employees of Bank as Bank is not obliged to provide canteen facilities to its staff". Specific observation made in this connection by the Hon'ble Supreme Court is as follows :—

"There is no obligation statutory or otherwise to run the canteens by the Bank. The scheme as stated above only provides for grant of subsidy for permitting running of canteen and if some more cost is incurred in running the canteen, the members of the staff working in that particular branch are required to bear it. The bank is not employing the canteen workers. The Bank is not supervising or controlling the work or the details regarding the canteen or its employees appointed by Local Implementation Committee. Bank is not taking any disciplinary action or directing any canteen employee to do a particular work or for that purpose no scheme is laid down by the Bank. Not only this, the other most important aspect is "the recruitment" by the Bank is to be made as per the statutory rules framed by it after giving proper advertisement, test or interview. As against this, for appointing a canteen employee there are no rules framed by the Bank. The canteen run by Local Implementation Committee in a branch having less than 100 employees are non statutory non recognised canteens because admittedly there is neither statutory provision nor any obligation arising out of award or contract between the employees of the Bank in running such canteen. The status of canteens run by the Local Implementation Committee would be non-statutory non-recognised canteen. The employees of such canteens were not under the control of the Bank and their appointments are not governed by any rules framed by State Bank of India "

31. The facts of the present as mentioned above I find are more or less similar to the facts of both the aforesaid authorities and thus both the said authorities in my view are well applicable in the case and it can serve as sole basis for the decision of this case. The case of Parimal Chandra Raha Vs. L.I.C. of India 1995 (II) LLJ 339 (SC) cited on behalf of the petitioners in support of their contentions that in the facts alleged by them the Bank if not expressly

than impliedly was under an obligation to provide canteen facility to the employees as part of the service condition, since has been considered and discussed in both the aforesaid authorities relied upon by the Bank and mentioned above and has not been accepted I respectfully say that it has no bearing in the case and cannot be accepted. The petitioners I find has miserably failed to establish their case that Bank was under an obligation statutory or otherwise to provide Canteen facility to its staff and they were actually the Bank's Employee and were entitle to get all the service benefits of absorption in service etc. similar to the regular Bank employee.

32. Undisputedly there is nothing to show on behalf of the petitioners that there was statutory obligation on the Bank for providing canteen facility to its staff. Whether the Bank had recognised for providing canteen facility to its staff the petitioners have no where alleged that there was any settlement arrived at by the Bank by means of any bipartite settlement with its staff or by any award etc. there was any binding effect on the Bank for providing canteen facility. There is no such case of the petitioners as taken by the canteen employees in the case of State Bank of India and other Vs. State Bank of India Canteen employees Union (Bengal Circle) and others Supra. That the Bank was bound to provide canteen facility to its staff on the terms of Sastry Award 1953 or the book of on Staff Welfare Activities an obligation was cast upon the Bank to provide canteen facility.

33. The basis of the petitioners claim as per their allegation only is that it was the boundent duty of the Bank to provide canteen facility to its officers and staff just to improve their efficiency and output and with this view Bank had provided Canteen facility to its staff by means of circular letter No. 23/83 dated 17-3-83. Secondly that in view of the term of the said circular the functioning of the canteen was under the supervision and direct control of the Management through a Committee consituted at each branch office of the Bank consisting of the officers of the Bank viz(a) Incharge of the branch office (ii) Second Man (Officer) of the Branch and senior most full time confirmed staff. Thirdly that in pursuance of the said scheme for providing canteen, the Bank, had appointed workmen called as Canteen Incharge to run the Canteen with appropriate number of employees and thus the petitioners who were employed by the Bank were the workmen within the meaning of Section 2(S) of the Act according to which any person including an apprentice employed in an industry to do any manual, unskilled, skilled, technical operational work for hire or reward, whether the terms of employment is express or implied is covered under the definition of workman. Fourthly that the subsidy passed to the canteen employees by the Bank was in fact wage within the meaning of section 2(rr) of the Act. None of these factors after having carefully examining the facts and circumstances I find is satisfactory and sustainable. These factors have to be established as a fact by the petitioners by cogent and reliable evidence. Mere allegations made in claim petition without is proof in my view cannot be accepted, particularly when on behalf of the Bank all these facts are specifically denied. The petitioners I find has miserably failed to establish it by any regent proof that

the Bank was under any obligation statutory or otherwise to provide facility of Canteen to its officers and staff. As per assertions of the petitioners if the canteen facility was provided by the Bank under the Scheme formulated though its circular No. 23/83 dated 17-3-83 and the canteen was being supervised by the implementation Committee having been constituted by the Bank alone in my view cannot be a sufficient ground to hold that the Canteen facility so provided was actually recognised by the Bank. On behalf of the petitioner only an affidavit of Shri Montoo Sarkar has been filed in evidence. In the affidavit Ex. WW 1/1 of Shri Montoo Sarkar no such fact is disclosed by which it can be ascertained that Bank had at any point of time had recognised for providing canteen facility to its staff. Even if the factor of providing infrastructural amenities by the Bank to the Canteen is taken into consideration it will alone not be a valid proof to find out the canteen was recognised by the Bank.

34. The petitioners have also failed to establish that they were the Bank's Employees and there existed any master and servant relationship between them. In his cross-examination Shri Montoo Sarkar has admitted that neither any appointment letter was given by the Bank nor there was any written document to show that the petitioners were appointed by the Bank. He has also admitted that no payment to the petitioners was made by the Bank for the overtime or for any leave. He has again admitted that neither any charge sheet was served nor any disciplinary action was taken by the Bank against any of the petitioners. These replies of Shri Montoo Sarkar itself goes against the petitioners case.

35. Further the point of payment of the wages in the shape of subsidy as contended by the petitioners for treating them Bank's employee I find myself not in agreement with the petitioner's contention. Subsidy in my view in the circumstances of the case can never be termed as wage as defined in Section 2(rr) of the Act. The dictionary meaning of subsidy is "giving pecuniary help". According to Section 2(rr)(b) of the Act any contribution paid or payable by the employer for the benefit of the workman under any law for the time being in force is excluded from the definition of the wages. On this ground alone the petitioners' contention cannot be accepted. However, in both the said authorities of Reserve Bank of India Vs. Workmen of Reserve Bank of India (Supra) and State Bank of India and others Vs. State Bank of India Canteen Employees Union (Bengal Circle) and others (Supra) cited on behalf of the Bank these aspects of payments of subsidy and management of the Canteen through Local Implementation Committee have been dealt with and these were not accepted as the basis to show that functioning of the canteen was either recognised by the Bank or the Canteen employees could be considered to be Bank's employees. As found above both these authorities, are well applicable in the case. Hence on its strength the petitioners contentions cannot be accepted.

36. On the other hand the Bank I find has become successful in establishing its case. At the first instance there is total denial of petitioners case by the Bank. The Bank has denied that petitioners were its emp-

loyees and relationship of master and servant ever existed between them. The Bank's case specifically is that the petitioners were themselves either contractors or their employees and had an independent status. None of them was appointed on the rolls of the Bank by the Bank and they had never undergone any selection/recruitment procedure prevailing in the Bank. Further Bank had no authority to take any disciplinary action against canteen employees. It can not direct the Canteen Employees for doing a particular work. The Bank had no say or control regarding the allocation of the work or the way in which the work should be carried out by the canteen employees.

37. The Bank's case also is that no statutory or other obligation was cast upon the Bank for providing the Canteen to its officers or staff. No trade or business was ever carried out in the canteen by the Bank. The Bank had no supervision or control over the working of the Canteen on the supply of eatables. The Bank's case again is that the amenities provided by the Bank to the Canteen were only by way of Welfare Measure. The Bank has asserted that some of the Canteen Employees, namely Sarvashree Sham Lal, Ram Pal Sharma and Subhash Chandra Suri and others had taken loans from the Bank under self employment scheme for urban poor.

38. These facts I find have well been supported by the evidence of Smt. Rashmi Khanna, Personal Officer of the Bank MW1 and Shri V. K. Mehrotra, Manager of the Bank's branch of Nizamuddin, New Delhi, MW2. Both of them have filed their affidavits marked Exs. MW 1/1 and MW 2/1 respectively. Every detail of the Bank's case has been dealt within their affidavit. Shri V. K. Mehrotra has also filed the photo copies of documents relating to the grant of loans to Canteen employees as stated above. These documents have been marked as annexures R-1 to R-9.

39. In the cross-examination of both these witnesses I find the petitioners have not been able to elicit anything in their favour. I do not find any reason to disbelieve these witnesses of the Bank. The evidence of both these witnesses of the Bank is held trustworthy and reliable.

40. In view of the facts, I find and hold that petitioners have failed to establish that canteen was in any manner a part of the establishment of the Bank and they being canteen employees were actually the Bank's employees. These petitioners are held as independent canteen employees. It is also held that the petitioners are not entitled for any of the service benefits of regularisation/absorption etc. similar to the Bank's regular employees. The point framed for consideration and adjudication is decided against the petitioners.

41. The terms of reference is answered in the like manner and award in the case is given accordingly.

9-4-2001.

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2001

का.आ. 1117:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[सं.एल-42012/188/94-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 30th April, 2001

S.O. 1117.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 30-4-2001.

[No. L-42012/188/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 24th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com. LL.B.
C. R. No. 82/97

I PARTY

A. Mallesha
S/o Annayappa
Asstt. Technician,
Central Silk Board,
M.G. Road,
Kadirenahalli,
Banashankari II Stage,
Bangalore-560070

II PARTY

The Management of Central
Silk Board,
(Ministry of Textiles
Govt. of India)
P.R. No. 5317, United Mansions,
2nd Floor, 39, M.G. Road,
Bangalore-560001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/188/94-IR(DU) dated 30-10-95 for adjudication on the following schedule.

SCHEDULE

"Whether the punishment of dismissal from service w.e.f. 5-1-1993 imposed on Shri Mallesha by the Central Silk Board is justified? If not what relief the workman is entitled to?"

2. The first party joined the service of the Second party w.e.f. 13-12-1982. He was promoted as Assistant Technician in the year 1988 Charge Sheet was issued for unauthorised absence from 22-1-1992 to till the date of issue of articles

of charge viz. 8-7-1992. His explanation was not proper and enquiry was held and on the basis of enquiry report the first party was dismissed from service.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party is that the charge is not correct. In para 3 of the Claim Statement it is stated that the Enquiry is conducted and the enquiry is in total contravention of the rule. The absence was due to prolonged illness and the charges are not proved, the enquiry is not fair. In para 4 of the Claim Statement it is stated that the first party was not well. The punishment is not proper. There is unfair labour practice. First party for these reasons has prayed to pass award in his favour.

5. The case of the second party is that the first party was a chronic absentee and he remained unauthorisedly absent for a long period as stated in para 2 of the counter. Regarding enquiry it is stated that the same is fair and valid. Full opportunity was given to the first party. It is also said that the first party admitted his guilt. The finding of the enquiry officer is correct and there is no perversity in it. There is considerable delay in raising the dispute as stated in para 5 of the counter. In view of the admission on the part of the first party, the charge is proved. Second party for these reasons has prayed to reject the reference.

6. It is seen from the record that my learned predecessor answered the preliminary issue in the affirmative on 30th August 1999. It is held that the domestic enquiry is proper and valid. I have perused all the documents and the material of the enquiry proceeding and I am of the opinion that there is no perversity in the finding given by the Enquiry Officer. The explanation given by the first party for his long unauthorised absence is not correct. Previously punishment were awarded and he was warned but first party did not improve himself. It is seen that during the enquiry, first party had admitted the guilt. The first party has not established that there is perversity in the finding given by the enquiry officer. He has also not established that there is victimisation. Taking all this into consideration and the cross examination that it is true that he informed the enquiry officer that he remained absent but it was due to illness, would go to show that unauthorised absence is proved. The first party has not established that the absence was beyond his control. Taking all this into consideration on merits it is clear that there is no perversity in the finding given by the enquiry officer and there is no victimisation and misconduct is proved.

7. It was vehemently argued by the learned counsel for the first party that the misconduct is only about the unauthorised absence and the first party has given explanation for his unauthorised absence but the management has not considered. It was further argued that for this misconduct, the order of dismissal is definitely not proportionate and the same is harsh. I have considered all the aspects in detail. It was further argued by the learned counsel for the first party that this is a fit case to consider the submission made by the first party under Section 11A and imposed proportionate punishment.

8. In my humble opinion the misconduct alleged and proved does not warrant dismissal of the first party and the ends of justice will meet if the first party is directed to be re-instated without any back wages, and accordingly I proceed to pass the following order.

ORDER

The reference is partly allowed. The order of dismissal is set aside and the second party is directed to reinstate the first party for the post which he was working before the dismissal without any back wages.

(Dictated to PA, transcribed by her, corrected and signed by me on 24th April, 2001).

V. N. KULKARNI, Presiding Officer

24-4-2001.

नई दिल्ली, 1 मई, 2001

का.आ. 1118:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेन्डेंट ऑफ पोस्ट ऑफिसों के प्रबंधन के संबंध में नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-2001 को प्राप्त हुआ था।

[सं.एल-40011/8/2000-आर्.आर. (डोयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1118.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Supdt. of Post Offices and their workman, which was received by the Central Government on 1-5-2001.

[No. L-40011/8/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI
Monday, the 9th April, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

INDUSTRIAL DISPUTE NO. : 59/2000

(In the matter of the dispute for adjudication under section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947, between the Petitioner Sri M. Rajendran and the Management, the Superintendent of Post Offices, Mayiladuthurai Division, Mayiladuthurai.)

BETWEEN

Shri M. Rajendran, Nagapattinam : Petitioner I Party.

AND

The Superintendent of Post Offices,
Mayiladuthurai Division,
Mayiladuthurai. : Management (II Party).

APPEARANCE :

For the Petitioner : M/s. Jothivani and R. Balaguruswamy, Advocates.

For the Management : Sri K. M. Venugopal, Addl. Central Govt. Standing Counsel.

REFERENCE :

Order No. L-40011/8/2000/IR(DU) dated 30-6-2000, Govt. of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 28-3-2001, upon perusing the reference, Claim Statement, Counter Statement, documentary evidence let in on either side and other material papers on record and upon hearing the arguments of learned counsel for the Petitioner M/s. Jothivani, Advocates and learned counsel for the Management Sri K. M. Venugopal, Additional Central Govt. Standing Counsel and this dispute having stood over till this date for consideration, this Tribunal passed the following :-

AWARD

This reference by the Central Government in exercise of the powers conferred by clause (d) of sub-section (1) and

sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Sri M. Rajendran, Petitioner and the Superintendent of Post Offices, Mayiladuthurai Division, Mayiladuthurai, Management, mentioned as Schedule appended to the order or reference.

The Schedule reads as follows :—

"Whether the action of the management of Superintendent of Post Offices, Mayiladuthurai Division, Mayiladuthurai in removing Shri M. Rajendran, S/o. Sri Maruthan from the post of EDDA, Tiruvudikalai B.O. is legal and justified? If not, to what relief the concerned workman is entitled?"

This order of reference was first made to the Central Government Industrial Tribunal-Cum-Labour Court, Bangalore, as an industrial dispute for adjudication. Subsequently, by an order dated 30-8-2000, this case was transferred from the file of the CGIT-Cum-Labour Court, Bangalore, to the file of this Tribunal. On receipt of this reference on transfer from the CGIT-Cum-Labour Court, Bangalore on 12-9-2000, this case has been taken on file of this Tribunal as Industrial Dispute No. 59/2000. Notices were sent to both the parties by Registered Post with acknowledgement card, with a direction to appear before this Tribunal on 23-9-2000. Both the parties appeared through their counsel and filed their respective Claim Statement and Counter Statement with documents. When the matter was taken up for enquiry on 14-12-2000, by the consent of counsel on either side, Ex. W1 to W4 were marked and on the subsequent hearing on 11-1-2001, by the consent of counsel on either side some more documents were marked as Ex. W5 to W10 and M1 to M17. Then on next hearing few more documents were marked by the consent of either side, on the side of I Party/Management as Ex. M18 to M32 and after the counsel on either side represented that they have no more documents and the evidences were closed and the case was posted for arguments of counsel on either side on 7-2-2001. The counsel on either side argued their respective cases on different dates and they have concluded their arguments on 28-3-2001 and from that date it is posted for orders to this date.

3. The averments in the Claim Statement of the I Party/Workman are briefly as follows:—

The I Party/Workman Mr. M. Rajendran (hereinafter referred to as Petitioner) was appointed as Extra-departmental Delivery Agent/Mail Carrier at Tiruvudikalai B.O. on 18-2-1980 by the Assistant Superintendent of Post Offices, Mayiladuthurai North Division, Mayiladuthurai. The Petitioner was placed under put off duty with effect from 17-11-1995. The Superintendent of Post Offices, Mayiladuthurai (hereinafter referred to as Respondent) appointed the Sub-Divisional Inspector (Postal), Mayiladuthurai South sub-division, Mayiladuthurai as ad-hoc Disciplinary Authority, who in turn issued a memo of charges dated 8-3-1996. He appointed the Sub-Divisional Inspector, Sirkali Sub-division as Enquiry Officer and the Inspector of Post Offices, Mayiladuthurai as Presenting Officer to enquire into the charges. The ad-hoc Disciplinary Authority i.e. Sub-Divisional Inspector (Postal), Mayiladuthurai South Sub-division and the Enquiry Officer, Sub-Divisional Inspector (Postal) Sirkali Sub-Division and the Presenting Officer, the Inspector of Post Offices, Mayiladuthurai are serving under the Respondent and the Respondent is the Head of the Division. Two articles of charges were mentioned in the charge memo issued to the Petitioner. In support of the charges, the Disciplinary Authority has cited 14 witnesses and 24 documents to prove the charges levelled against the Petitioner. The appointed Enquiry Officer, Sub-Divisional Inspector (Postal) Sirkali Sub-Division has conducted several sittings and conducted the proceedings disregarding the rules on the subject and finally submitted his perverse report. Based on the findings of the Investigating Officer the Respondent without application of mind imposed the punishment of removal from service and terminated his appointment. Aggrieved by the action of the Respondent, the Petitioner filing this petition for redressal of his grievances. The educational qualification prescribed for the EDDA is only VII Standard pass. Instructions were already issued by the Department of Posts that all the communications to the E.D. Agents should be in regional languages i.e. known to the Petitioner. The Respondent issued a charge memo in English language, which the Petitioner does not know. Thus, the Petitioner has been

denied an opportunity to know the charges levelled against him beyond doubt and thus deprived him an adequate opportunity to submit his defence and this is violation of principles of natural justice. In Annexure III of the Chargesheet 24 documents have been cited to prove the charges levelled against the Petitioner. Most of the documents have been obtained by the investigating Officer behind the back of the Petitioner. The ad-hoc Disciplinary Authority has not sent the copies of those documents along with the chargesheet to the Petitioner. The Petitioner's explanation was called for within ten days of the receipt of the charge sheet. The non-furnishing of the documents along with the charge sheet deprived the opportunity to meet the charges levelled against him effectively and thereby a reasonable opportunity for defending his case has been denied which is a violation of principles of natural justice. As per the decision taken by the Ministry of Home Affairs, the evidence of witness proposed to be used against a Government servant in a departmental proceedings should be recorded in his presence. But the statements recorded behind the back of the Petitioner have been used in the enquiry by the Management, though objected by the defence itself during the enquiry. Those witnesses have not been produced for cross-examination by the Petitioner during the enquiry and that denied the Petitioner a reasonable opportunity in defending his case. The denial of reasonable opportunity is a violation of principles of natural justice and it vitiated the whole proceedings. Though all the listed documents in Annexure III of the chargesheet were taken on record by the Enquiry Officer, the complainant dated 10-11-1995 of Sri R. Venkatesan and statements given by S/Sri K. Keerthivasan, T. Rengaiyan, T. Ganesan and R. Gurumurthy those witnesses have not been examined in the enquiry. So the Petitioner could not cross examine them in respect of their statements. Hence, those documents have no evidentiary value and are not admissible in evidence, yet the Enquiry Officer took them on record and based his findings on those materials and this is in violation of principles of natural justice. The documents marked on the side of the Management as SE 8, 16 and 18 were in the custody of branch Post Master, Tiruvudikalai B.O. that he has not been examined with regard to the contents of those documents before the Enquiry Officer. The investigating authority Shri R. Swaminathan, Assistant Superintendent of Post Offices, Mayiladuthurai North Sub-Division has spoken about those documents and they were relied upon by the Enquiry Officer for his conclusion. The non-examination of the branch Post Master, being the custodian of those documents has not deposed about the contents thereon, is prejudicial to the Petitioner in defending the case. Since the Petitioner has been denied a reasonable opportunity to cross examine that branch Post Master it amounts to a violation of principles of natural justice. The records noted bears corrections in the noted Money Orders in question and the returned Money Orders and cash by the Petitioner was cut down and there is manipulation of figures and numbers etc. which are maintained by the Branch Post Master B.O. Tiruvudikalai leading to suspected ends. This was pointed out by the defence during the cross examination and the investigating authority replied that there needs no enquiry on the Branch Post Master. The Petitioner having no access of the said records and the failure of examining the Custodian of those records of Branch Post Master Tiruvudikalai, amounts to denial of opportunity to cross examine the Branch Post Master by the defence. Under such circumstances, the Enquiry Officer relying upon those documents to give findings on the basis of those documents ignoring the objection of the defence caused prejudice to the Petitioner and the denial of reasonable opportunity for the Petitioner to prove his innocence and to unearth the truth. This amounts to violation of principles of natural justice. Though 14 witnesses have been cited for the Management to prove the charges levelled against this Petitioner, only 2 of them have been examined. One is Sri R. Swaminathan, Asst. Superintendent of Post Offices, Mayiladuthurai North Sub-division, Investigating Officer and the other one Sri T. R. Muthiyar, Andoor, payee of the M.O. The other witnesses were not produced by the Presenting Officer for the cross examination by the Petitioner and thereby the Petitioner was denied reasonable opportunity to defend his case. It also amounts to violation of principles of natural justice. The preliminary enquiry report is connected with the charges framed against the Petitioner was refused to the Petitioner to cross examine the witnesses on the ground that it shall privilege documents.

Though the other witness Sri T. R. Muthian had deposed before the Enquiry Officer had refused to sign his deposition and thereby claims to authenticate his own version. His vehement opposition to sign the deposition has not been considered by the Enquiry Officer. The witness Shri R. Swaminathan is an interested witness for the Respondent. This is a case of no evidence. The payee denied their signature available in the Money Orders paid under voucher under dispute. The Petitioner has denied all the allegations contained in the charge sheet. The prosecution ought to have sought the opinion of the expert of the disputed documents and the best evidence has not been produced. So the Disciplinary Authority has failed to establish the charges as true and hence the punishment awarded is unjust. At the time of termination of service, he was drawing Rs. 420 plus D.A. as pay and allowances. He was issued with a memo of charges alleging the misconduct which has not been proved beyond doubt by unimpeachable evidence. Since the ad-hoc Disciplinary Authority Enquiry Officer and the Presenting Officer were serving under the Respondent, conduct of the enquiry is not a free and fair one. The appointing authority for the applicant is the Assistant Superintendent of Post Offices and the Ad-hoc Disciplinary Authority Sub-Divisional Inspector (Postal) Sirkali Sub-division is the authority lower in rank of the appointing authority and as such the authority which is lower rank is not having jurisdiction to issue an order of removal from service. The statement of admission from the Petitioner was obtained by the investigating Officer only by coercion and undue influence and they should not be relied upon. Hence, this Hon'ble Tribunal may be pleased to pass an award setting aside the order of removal from service imposed on the Petitioner by the Sub-Divisional Inspector (Postal) Mayiladuthurai South Sub-Division, Mayiladuthurai as Ad-hoc Disciplinary Authority and direct the Respondent to reinstate the Petitioner in service with all committant services and monetary benefits.

4. The averments in the Counter Statement of the II Party/Management are briefly as follows :—

The Assistant Superintendent of Post Offices, Mayiladuthurai North Sub Division, Mayiladuthurai is the appointing authority of the Petitioner. He made the preliminary enquiry of the case, so he became the material witness of the case. Hence, the Sub-Divisional Inspector, Mayiladuthurai South Sub-Division Mayiladuthurai was appointed as Ad-hoc Disciplinary Authority of this case by the Post Master General, Central Region, Tamil Nadu, Trichy. The said Ad-hoc Disciplinary Authority issued a charge memo dated 8-3-96 under Rule 8 of Posts and Telegraphs, Extra Departmental (C & S) Rules, 1964. On the basis of the admission given by the Petitioner before the appointing authority, the Asst. Superintendent of Post Offices, Mayiladuthurai, the Ad-hoc Disciplinary Authority has issued a charge memo. It is denied that the Petitioner has denied the charges levelled against him. In fact so far as the Petitioner is concerned, he misappropriated the Money Order amount of Rs. 450 of M.O. No. 4426 dated 17-5-1995 of Hosur to be payable to Mr. T. R. Muthian, Andoor, Tiruvudaiakazhi. One complainant Sri M. Venkatesan, S/o. T. R. Muthian lodged a complaint before the Respondent for non-receipt of the said Money Order money by his father i.e. Sri T. R. Muthian. Based on that complaint, the Assistant Superintendent of Post Offices, who is the appointing authority made enquiries with the Petitioner on 17-11-1995 and 7-2-96. During the course of the enquiry, the Petitioner himself admitted the same by stating that he misappropriated the said Money Order amount of Rs. 450 and forged the signature of Sri T. R. Muthian. That apart the Petitioner himself produced the said statement in his handwriting on 17-11-95 and 17-2-96. The above statement was signed by the Petitioner himself. As per the second charge the Petitioner has not entrusted Money Order No. 1137 dated 3-11-95 of Thirumangalam for Rs. 450 payable to Sri T. Rangain, Valayacholan, Tiruvudaiakazhi. The Petitioner voluntarily admitted on 17-11-95 and 8-12-95 and reduced it in writing by his own hand stating that he himself misappropriated the amount of Money Order No. 1137 dt. 3-11-95 of Thirumangalam P.O. payable to Sri T. Rangaiyan. He also admitted that he forged the signature of Sri Rangaiyan as if he received the Money Order money. He signed all the written statements himself on the same day. The allegation that the appointed enquiry authority has conducted several

sittings and conducted the proceedings disregarding the rules and made perverse report is denied. No reason is stated in the Claim Statement to state that the report of the appointed enquiry authority is perverse. There is no grievance on the part of the Petitioner, on the other hand, it is the grievance on the part of the department. The enquiry officer conducted an enquiry in an unbiased manner as per the rules and procedure before submitting his report to the Adhoc Disciplinary Authority, i.e. the Sub-divisional Inspector (Postal) Mayiladuthurai South Sub-division, Mayiladuthurai. The Petitioner had ample opportunities to put forth his arguments before the Enquiry Officer and he has also given sufficient opportunity to prove his innocence and the same was not at all denied in the Claim Petition. The charges framed against the Petitioner were proved beyond doubt by the oral and documentary evidences. The Petitioner was removed from service by the Ad-hoc Disciplinary Authority and not by the Respondent who is the Appellate Authority. The Petitioner has right to prefer an appeal against the order of the Ad-hoc Disciplinary Authority as per Rule 10 of P & T EDA (C & S) Rules, 1964. The claim petition without exhausting the appeal to the authority is not maintainable. The alternate remedy for the Petitioner is only to approach before the Central Administrative Tribunal. Therefore, this Tribunal has no jurisdiction to decide the dispute. Since the charges were proved beyond doubt the punishment imposed on the Petitioner is commensurate with the offence committed by the Petitioner, which tarnished the image of the bank before the eyes of the common public. The contents of the charge sheet issued to the Petitioner was explained to him in regional language i.e. in Tamil on 24-8-1996 during the first sitting of the enquiry and the Petitioner signed days proceedings as if he understood the contents of the charge sheet. He also allowed to include the defence assistant at the cost of the department to defend his case. The enquiry was conducted with fair and without any bias after giving more sufficient opportunities to defend the Petitioner. The Petitioner's defence assistant is a graduate and was put in 17 years of service in the Respondent Department. There is no specific provision to furnish the charge sheet in regional language only. The Petitioner has filed his Claim Statement before this Tribunal only in English. So there is no question of violation of principles of natural justice, either in conducting enquiry or in imposing punishment. The delinquent need not be shown the relevant documents at the stage of preliminary enquiry itself. However, the Petitioner was subsequently supplied with all the relevant copies of documents listed in Annexure III to charge sheet during the enquiry held on 26-12-96 and all the 24 original documents were perused by the Petitioner and the defence assistant and hence the allegation of not supplying of documents becomes futile. The statement obtained from the payee of the Money Order about the non-receipt of money was also shown to the Petitioner. Therefore, it is not necessary to obtain such statement in the presence of the Petitioner. The Officer who made preliminary enquiry was properly examined on 3-7-97 with the relevant documents based on which the charges were proved and the said officer was also cross examined by the defence side and no controversial facts arrived during the cross examination. Therefore, the non-production of witnesses for cross examination will not wipe out the charges levelled against the Petitioner. All the documents pertaining to the charges were identified and filed as prosecution documents during the enquiry. The Petitioner and his defence assistant did not raise any objection about their filing of prosecution documents. The Petitioner himself admitted the commission of fraud even at the time of preliminary enquiry itself. The Petitioner or his defence assistant did not at all raise any objection about filing of relevant documents in connection with the fraud and forgery, as such there is no denial of reasonable opportunity and violation of principles of natural justice. Shri R. Venkatesan, who gave complaint dated 10-11-95 and remitted the amount for the Money Order to Sri T. R. Muthian was not examined, in view of the admission by the Petitioner himself in his own voluntary written statement. Since the complainant was residing at Hosur, it was not possible for him to travel all along from Hosur to Tiruvudaiakali to give evidence as witness. The cited witness Sri K. Keerthivasan was not examined as a departmental person, since he is dead. The witness Sri T. Ganesh residing at Valayacholan could not come and give his evidence due to his personal inconvenience. Though the makers of these documents could not attend the enquiry, the same were identified as prosecution documents during the enquiry on 3-7-97 by the Assistant Superintendent of Post

Offices. The defence assistant to the Petitioner utilised the opportunity and cross examined the Assistant Superintendent of Post Offices, as such there is no question of denial of reasonable opportunity and violation of principles of natural justice. The Petitioner having known well the contents of those documents, it is not necessary to examine the Branch Post Master, Tiruvudikazhi BO, Custodian of documents. The investigating officer, who seized all the records from the Branch Postmaster became the Custodian of these records, hence they were filed as prosecution documents through the Assistant Superintendent of Post Offices, Mayiladuthurai North Sub Division. Except the entries in BO journal on 19-05-1995, no other related documents filed as prosecution documents bear corrections, as such there is no question of manipulation of figures, numbers, amount of cash received by the Petitioner on 19-5-1995 towards M.O. No. 4426 dt. 17-5-95 of Hosur for Rs. 450 payable to Sri T. R. Muthian, Andoor, Tiruvudikazhi. The amount was taken by the Petitioner for his personal use and the Petitioner has admitted this fact during the investigation and cross examination of Assistant Superintendent of Post Offices, Mayiladuthurai. The defence assistant admitting the proceedings of the enquiry signed the proceedings with no hesitation, as such there is no question of ignoring the objection of the defence by the Enquiry Officer and denial of reasonable opportunity. Though all prosecution witnesses were not produced during the enquiry, the Assistant Superintendent of Post Offices, Mayiladuthurai North Sub-Division, who made the enquiries with those witnesses have given evidence about the statements as prosecution witness and the defence assistant had also cross examined him. The preliminary investigation report of Assistant Superintendent of Post Offices, Mayiladuthurai North Sub-Division was not supplied to the Petitioner, as it was nowhere used in the charge sheet issued against him. It cannot be said that this is a case of no evidence, since the Petitioner himself has admitted the forging of signatures, the expert opinion could not have been sought for the prosecution side. Sri T. R. Muthaiyan have got grievance already of this Department due to fraudulent action of Petitioner was in very rediculent position to sign deposition. He assured the Enquiry Officer but he signed the deposition only after consulting his lawyer. This aspect was recorded in Sri T. R. Muthaiyan's deposition on that day with the consent of all the attendants of that day's enquiry. The Enquiry Officer having testified the contents of the said complaint letter at the time of the preliminary enquiry cannot be prevented to mark the above letter dated 16-11-1995. The allegation that evidence of Investigating Officer is an interested one is hereby denied. The charges levelled against the Petitioner are clearly proved beyond doubt by way of oral and documentary evidence and all the documents marked at the enquiry will prove the charges. The evidence of Assistant Superintendent of Post Offices and investigating officer will corroborate the contents of the complaint letter of Sri N. Venkatesan. In respect of departmental enquiries the charge is not mandatorily proved beyond doubt and the filed documents established the fact of misconduct on the part of the charge sheeted official, the case can be decided on preponderance of probability. The Enquiry Officer has decided the case based on documentary evidence and the oral evidence adduced by the witnesses during the enquiry. The contention of the Petitioner is far from truth hence the Industrial dispute is liable to be dismissed at the cost of the Petitioner.

5. The point for my consideration is "whether the action of the Management of Superintendent of Post Offices, Mayiladuthurai Division, Mayiladuthurai in removing Sri M. Rajendran, S/o Sri Maruthan from the post of EDDA, Tiruvudikazhi B.O. is legal and justified? If not, to what relief the concerned workman is entitled?"

Point:—It is admitted that the Petitioner was appointed by the Assistant Superintendent of Post Offices, Mayiladuthurai Division Mayiladuthurai on 18-2-1980 and the Petitioner was placed under put off duty with effect from 17-11-1995. The Petitioner was issued a charge memo dated 8-3-1996 alleging that he has misappropriated two Money Orders each amounting to Rs. 450 payable to two different payees by name Sri T. R. Muthaiyan of Andoor, Tiruvudikazhi and Sri T.R. Rangaiyan, Valayacholan, Tiruvudikazhi, respectively. It is also admitted that Sub-Divisional Inspector (P), Sirkali Sub-Division has conducted enquiry and has furnished his report finding that charges levelled against the Petitioner were

proved. Ex. M1 is the xerox copy of the Money Order acknowledgement (Money Order receipt) for accepting the Money Order of Rs. 450 payable to Sri Muthaiyan. Ex. M2 is the xerox copy of the Thillaiyadi branch office daily account for 19-3-1995. Ex. M3 is the xerox copy of the Money Order form with the Money Order coupon meant for the payee Sri Rangaiyan. Ex. M4 is the xerox copy of the Branch Post Office daily account of Thillaiyadi of 6-11-1995. Ex. M5 is the xerox copy of the complaint dated 16-11-1995 given to the postal department by Sri N. Venkatesan. Ex. M6 to M15 are statements recorded before the Enquiry Officer, Assistant Superintendent of Post Offices, Mayiladuthurai North Sub-Division, Mayiladuthurai. Ex. M16 is the claim made by one Sri Gurumurthy for the Money Order of Rs. 450 sent to his father. Ex. M17 is the xerox copy of order dated 5-2-96 appointing the Sub-Divisional Inspector (P) South Sub Division as Ad hoc Disciplinary Authority by the Assistant Director for the Postmaster General for Central Region, Tamil Nadu. Ex. M18 is the questions and answers of the Enquiry Officer and the Chargesheeted employee respectively. Ex. M19 is a receipt dated 21-11-1995 for the payment of Rs. 900 by the Petitioner to the department. Ex. M20 is the sanction order dated 4-12-1996 for payment of Money Order amount of Rs. 450 to the payee Sri T. R. Muthaiah. Ex. M21 is the sanction order dated 29-12-95 for the payment of Rs. 450 to the payee Sri T. Rangaiyan of Valaiyacholan, Tiruvudikazhi. Ex. M22 to M28 are the day's proceedings of the Enquiry Officer for the enquiry conducted for the charges levelled against the Petitioner. Ex. W1 is the xerox copy of Memo of charges issued to the Petitioner. Ex. W2 is the xerox copy of the Enquiry Officer's report. Ex. W3 is the xerox copy of representation made by the Petitioner before the Disciplinary Authority against the investigating Officer's report. Ex. W4 is the xerox copy of proceedings of the Ad hoc Disciplinary Authority dated 31-1-1998 imposing punishment of removal from service on the Petitioner with immediate effect.

6. The learned counsel for the Petitioner/Workman had put forth an argument that from the beginning in the departmental enquiry the petitioner employee has denied the charges levelled against him, the Enquiry Officer has conducted the proceedings disregarding the rules and finally submitted his perverse report. Based on the findings of the Enquiry Officer, the Respondent/Management without application of mind had imposed the punishment of removal from service on the Petitioner employee. In Annexure III to the charge sheet, 24 documents were cited by which the authenticity of authors are proposed to be sustained. Most of those documents were obtained by the investigating officer i.e. Assistant Superintendent of Post Offices North sub-division behind the back of the Petitioner employee. Along with the charge sheet the copies of those documents were not sent to the Petitioner. But the authority called for the explanation of the Petitioner within ten days of the receipt of the charge sheet. The non-furnishing of the copies of the documents with the charge sheet deprived the petitioner of an opportunity to refute the charges levelled against him effectively and thereby the Petitioner was denied the reasonable opportunity in defending his case, which amounts to denial of reasonable opportunity and it amounts to violation of principles of natural justice. The investigating officer had obtained statements from S/Shri K. Keerthivasan, T. Rengachian (on three occasions and R. Gurumurthy in the absence of the Petitioner and those statements were used in the enquiry. On the basis of those statements the Enquiry Officer had arrived at the finding. But in that departmental enquiry, the persons who gave the statements in the absence of the Petitioner employee were not examined thereby giving an opportunity to the delinquent employee to cross examine them with regard to the statements given before the investigating officer in the absence of the petitioner employee. This amounts to denial of reasonable opportunity to the petitioner employee in defending his case and it also amounts to violation of principles of natural justice, which in turn vitiates the whole proceedings. It is seen from the records, and the proceedings of the Enquiry Officer that as the learned counsel for the Petitioner employee mentioned in her argument there was denial of reasonable opportunity to the Petitioner employee in the domestic enquiry and it vitiates the Enquiry proceedings.

7. As it is pointed out by the learned counsel for the Petitioner, during her argument, it is seen from the records that

the postman book dated 19-5-1995 and 6-11-1995 and the branch office journal of even dates, though marked as exhibits on the side of the Management and admittedly the custodian of the documents is the branch Postmaster, Tiruvudai-kazhi the said Branch Postmaster has not been testified as witness with regard to the entries in those documents before the Enquiry Officer. The evidence given by the investigating officer Sri R. Swaminathan with regard to these documents and its contents were taken on record by the Enquiry Officer and on that basis he arrived at his conclusion. As it has been stated by the learned counsel for the petitioner by such a procedure adopted by the Enquiry Officer in the domestic enquiry the Petitioner employee was denied a reasonable opportunity to defend his case. As it is mentioned by the learned counsel for the petitioner, it amounts to violation of principles of natural justice. In the absence of evidence of branch Postmaster with regard to corrections made in those documents as a custodian of those documents, the evidence given by the investigating officer with regard to corrections of the amount in the noted Money Order in question and the returned money orders and cash can at the best be, hearsay evidence and it can be disregarded in the absence of direct evidence when it is possible for the Management to let in direct evidence with regard to corrections in those documents by the custodian of those documents, the branch Postmaster, Tiruvudai-kazhi. So under such circumstances, the reliance made by the Enquiry Officer on the evidence given by the investigating authority as reliable and acceptable evidence is incorrect. Those documents, Branch Office daily account and Branch Office Journal, when admittedly in the custody of branch Post Master, Tiruvudai-kazhi the petitioner could no have any access for making any corrections. The main charge against the delinquent employee, the petitioner herein, before the domestic enquiry under two articles of charges that he did not effect the payment of money order amount to the concerned payee but had forged their respective signatures in the money order coupon and had misappropriated those sums. In respect of article I in the charge sheet 11 documents have been filed and in respect of article II in the charge sheet, 5 documents have been relied upon. Ex. M2 and M4 are the Branch Office daily account for the dates 19-5-95 and 6-7-95 respectively. The author of those documents, the branch Postmaster has not been examined before the Enquiry Officer. Like that one Venkatesan, who gave complaint with regard to money order of Rs. 450, he sent to his father Sri T. R. Muthajan under Ex. M5 has not been examined as witness before the Enquiry Officer. It is the case of the Management before the Enquiry Officer that as per the records Postman's book entries Ex. M30 and M32 for the concerned money orders No. 4426 and 1137 each for Rs. 450, the concerned employee has acknowledged the receipt of money orders for delivery and had made an endorsement on those documents that those money order amounts were duly delivered to the payees concerned on 19-5-1995 and 6-11-1995 and accordingly, corresponding entries were made in Ex. M29 and M31, the Branch Post Offices registers, and that actually, those money orders were not delivered to the payees concerned but they have been misappropriated by the petitioner employee. A perusal of these four documents go to show that there are corrections in the entries. In Ex. M31 and M32 originally it has been stated as 'gone out' and subsequently that has been scored out and the date has been put as 6-11-1995. In the figures for the amount in Ex. M32, there is correction but no explanation is available on the side of Management before the Enquiry Officer as that of Branch Post Master of Tiruvudai-kazhi for those material corrections. Further there is no direct evidence to show that these money orders amounts were misappropriated by the employee concerned except his alleged confession statement. On the side of the Management, much reliance has been made, for amount paid by the concerned employee to the department. But it is contended on the side of the Petitioner employee that under threat and coercion an admission statement has been obtained from him and only on compelling circumstances he was made to pay the amounts on those two money orders. The fact finding report prepared by the investigating officer as a preliminary enquiry report has not been furnished to the Petitioner employee prior to the enquiry and also during the enquiry and the same has not been disputed by the Respondent/Management. By this a reasonable opportunity has been denied to the petitioner to put forth his defence effectively before the Enquiry Officer in the domestic enquiry.

It amounts to clear violation of principles of natural justice. One of the payee Sri F. Renganathan, who has been examined as witness before the Enquiry Officer has not signed the deposition. Later he sent a communication to the Enquiry Officer explaining about the circumstances under which he has refused to sign the deposition. In that communication that deponent has stated that the signature available there in the money order coupon is not his signature and he does not know who has subscribed the signature as his signature and during enquiry he refused to accept the suggestion that the said signature in the money order coupon was put by the delinquent employee and it is for the enquiry officer to found out as to who has subscribed the signature. There is nothing on evidence by way of expert evidence let in by the management before the Enquiry Officer to prove that the delinquent employee has forged the signatures of the payee to misappropriate the concerned money order amounts. So under such circumstances, it is evidently clear that there is no sufficient legal evidence placed before the Enquiry Officer by the Management through their witnesses and documents to conclude that the charges levelled against the petitioner employee have been proved by the Management with reliable and legal evidence as it has been stated by the Enquiry Officer in his report as his findings. So under such circumstances on the basis of the materials available in this case, this Tribunal can easily come to the conclusion, as it is put forth by the learned counsel for the petitioner, that the findings given by the Enquiry Officer in his report that the charges levelled against the petitioner employee is proved is not correct, since there was no legal and acceptable evidence in this case for him to come to that conclusion. Hence it amounts to a perverse finding and not supported by acceptable evidence. So, under such circumstances, as it is held in 1999 I LLJ 679 by the Supreme Court between Secretary to Govt. Home Department and Ors. Vs. Shri Vaigundhan, this Tribunal has got scope of interference to the findings of the Enquiry Officer, since the findings of the Enquiry Officer cannot be relied upon, as fair and proper. The reliance made by the Disciplinary Authority on that finding of the Enquiry Officer to award the punishment of removal from service of the concerned employee Sri M. Rajendran from the post of EDDA, Tiruvudai-kazhi Branch Office is illegal and unjustified. Hence, the order passed by the Ad hoc Disciplinary Authority dated 31-1-1998 under the original of Ex. W4 is to be set aside. Thus, I answer the point accordingly.

8. In the result, an award is passed holding that the action of the Management of Superintendent of Post Offices, Mayiladuthurai Division, Mayiladuthurai in removing Sri M. Rajendran, Son of Sri Maruthan from the post of EDDA, Tiruvudai-kazhi B.O. is illegal and unjustified and set aside the order dated 31-1-1998 passed by the Ad hoc Disciplinary Authority Sub Divisional Inspector (Postal) Mayiladuthurai Sub-Division, Mayiladuthurai and direct the respondent to reinstate the Petitioner as EDDA with all service and monetary benefits from 1-2-1998. No cost.

(Dictated to the Stenographer and typed by him and corrected and pronounced by me in the open court on this day, the 9th April, 2001.

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None.

Documents Marked :

For the Workman/Party :

Ex. No. Date Description

W1 8-3-96 Copy of Memo of charges.

W2 26-11-97 Copy of Enquiry Officer's report.

W3 23-12-97 Copy of representation against Enquiry Officer's report from the Workman to the Management.

W4 31-1-98 Copy of impugned order of punishment from the Management to Workman.

W5 27-1-97 Daily Order Sheet No. 03 regarding Rule 8 against Sri M. Rajendran by the Management.

- W6 28-2-97 Daily Order Sheet No. 4 regarding Rule 8 against the Sri M Rajendran by the Management.
- W7 9-4-97 Daily Order Sheet No. 5 regarding Rule 8 against Sri M. Rajendran by the Management.
- W8 12-5-97 Daily Order Sheet No. 6 regarding Rule 8 against Sri M Rajendran by the Management.
- W9 13-5-97 Daily Order sheet No. 7 regarding Rule 8 against Sri M. Rajendran by the Management.
- W10 3-7-97 Deposition of Sri R Swaminathan, ASP in Rule 8 against Sri M. Rajendran.

For the Management/II Party :

- M1 19-5-95 Copy of M.O. acknowledgement signed as Muthaiyan.
- M2 19-5-95 Copy of daily account to Branch P.O. Thillaiyadi
- M3 6-11-95 Copy of M.O. with acknowledgement.
- M4 6-11-95 Copy of daily account of Thillaiyadi Branch P.O.
- M5 16-11-95 Copy of complaint from Sri Venkatesan to the Manager.
- M6 16-11-95 Original deposition from Gurumoorthy S/o Rangaiyan.
- M7 17-11-95 Original deposition from Sri T. Rengaiyan.
- M8 17-11-95 Original deposition of Sri R. Muthaiyan.
- M9 17-11-95 Original deposition of Sri M. Rajendran.
- M10 17-11-95 Original deposition of Sri M. Rajendran dated 6-11-95.
- M11 8-12-95 Original deposition of Sri T. Rengaiyan.
- M12 8-12-95 Original deposition of Sri M. Rajendran.
- M13 7-2-96 Original deposition of Sri M. Rajendran.
- M14 9-2-96 Original deposition of Sri K. Keerthivasan.
- M15 8-12-95 Original deposition of Sri Ganesan.
- M16 5-12-95 Original application for claim in respect of Money Order.
- M17 5-2-96 Copy of the Memo No. STC/23-6/92/T
- M18 10-10-97 Original questioning to the chargesheeted ED Agent by the Enquiry Officer.
- M19 21-11-95 Original Receipt No. 63 for an amount of Rs. 900.
- M20 4-12-96 Copy of letter No. F1/3-95-96.
- M21 29-12-95 Copy of letter No. FI/2/95-96
- M22 24-8-96 Original Daily Order Sheet No. 1.
- M23 26-12-96 Original Daily Order Sheet No. 2.
- M24 24-8-96 Original Deposition of Shri M. Rajendran.
- M25 27-1-97 Original letter from I party to the Management asking for additional documents to defend his case.
- M26 14-2-97 Original Letter No ADA/2/98 regarding supply of additional documents.
- M27 4-7-97 Original daily order sheet No. 9.
- M28 10-10-97 Original daily Order Sheet No. 10.
- M29 — Original M.O. Register from 22-2-95 to 15-6-95.
- M30 — Original Postman's book from 9-5-95 to 14-6-95.
- M31 — Original M.O. Register from 30-9-95 to 9-11-95.
- M32 — Original Postman's book from 19-10-95.
- M33 13-5-97 Original deposition of Sri T R. Muthaiyan.
- M34 19-5-95 Original M.O No 4426 dated 17-5-95.
- M35 3-7-97 Original deposition of Sri R. Swaminathan.

नई दिल्ली, 1 मई, 2001

का.आ. 1119.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निविष्ट औद्योगिक और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-2001 को प्राप्त हुआ था।

[सं. एल-40012/422/2000-आईआर(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 1-5-2001.

[No. L-40012/422/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 30th March, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

INDUSTRIAL DISPUTE No. 347/2001

BETWEEN :

Shri N. Dhanasekaran,

S/o. M. Nagappan ... Workman/I Party

AND

The General Manager,
Telecom.

... Management/II Party

APPEARANCE :

For the Workman : None.

For the Management : R. Kannappan, Addl. Central Govt. Standing Counsel.

Reference : Order No. L-40012/422/2000-IR (DU) dated 27-12-2000, Govt. of India, Ministry of Labour, New Delhi.

AWARD

The Government of India, Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947, have referred the following dispute under the above order for adjudication :—

"Whether the termination and non-regularisation of Shri N. Dhanasekaran is legal and justified by the Management of the Telecom Department, Chennai ? If not, to what relief the workman is entitled ?"

2. On receipt of this reference from the Central Govt., this case was taken on file of this Tribunal as Industrial Dispute No. 347/2001 and notices were ordered to be sent to both the parties by Registered Post with acknowledgement card for a hearing 14-2-2001. Accordingly, the notices sent were received by both the parties, as per the postal acknowledgements received back. Due to the non-appearance of both the parties for the hearing 7-3-2001. Further notice was sent parties on either side by Registered Post for the hearing 28-3-2001. For that hearing also, in spite of notices were served by Registered Post, none of them was present and again it was ordered to be sent final notice to both the parties by Registered Post for today's hearing.

3. When the matter was taken up, as usual, both the parties were not present. The counsel, who entered appearance by filing his memo of appearance for the II Party on the hearing 28-3-2001, alone is present. The I Party remained absent, in spite of the fact notices sent by this Court through Registered Post were duly served on them thrice. Ever since the beginning of this case, there was no representation for the I Party/Claimant. From this it can be presumed that at present, there is no dispute between the parties concerned, for this, Tribunal, to adjudicate the same. Hence, this Industrial Dispute is dismissed for default and non-prosecution.

4. In the result, 'no dispute' award is passed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him and corrected and pronounced by me in the open court on this day the 30th March, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 1 मई, 2001

का.भा. 1120.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, टेलीकॉम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-2001 को प्राप्त हुआ था।

[सं.एल-40012/116/96-आई.आर. (डी.यू.)]
कुलदीप राय, वर्मा, डेस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of General Manager Telecom and their workman, which was received by the Central Government on 1-5-2001

[No. L-40012/116/96-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated : 25th April, 2001

PRESENT :

Hon'ble V. N. Kulkarni, Presiding Officer

C. R. No. 24/98

I PARTY :

Smt. K. Shantha,
M. M. Garden,
Old Kent Road,
Mangalore-575001.

II PARTY :

The General Manager,
Telcom,
Old Kent Road,
Mangalore-575001.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-40012/116/96-IR(DU) dated 10-3-1998 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the Department of Telecommunication in denying employment to Smt. K. Shanta w.e.f. 19-2-90 is legal and justified ? If not, to what relief she is entitled ?"

2. I party is not present. No counsel is present for I party. II party is also not present. Counsel also not present. Many adjournments have been given. No counter is filed by the II party. There after case is posted for evidence. Today also none are present.

3. The I party was working with the II party as Sweeper from 4-3-1979 upto 2-3-1986. The II party legally passed retrenchment orders, therefore, dispute was raised.

4. I party appeared and filed Claim Statement contending that as per DOT Delhi Order No. 269-34/90/STN it is directed that Casual Labourers

who were employed prior to 31-3-1985 are eligible for Temporary status. Further as per CGIT BG. No. R&E/2-4/24/111 dated 4-3-1991 who could not be taken on temporary status are eligible to be taken on Muster Rolls. The Management has not bothered to implement the orders referred in the Claim Statement.

5. II party who did not filed any counter. I see after the case was posted for evidence. II party has not aduced any evidence. The I party in a situation like this to prove the case that the Management has denied employment illegally has not produced any evidence. No documents and Circulars are filed. It appears both the parties are not interested in going on with the matter, absolutely there is no evidence. Therefore, I proceed to pass the following Orders :

ORDER

6. The reference is rejected.

(Dictated to the LDC in the Open Court, transcribed by him, corrected and signed by me on 25th April. 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 1 मई, 2001

का.भा. 1121.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रोजनल प्रोविडेंट फण्ड कमिशनर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-2001 को प्राप्त हुआ था।

[सं.एस-42012/84/89-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Provident Fund Commissioner and their workman, which was received by the Central Government on 1-5-2001.

[No. L-42012/84/89-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 26th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B. Com. LL. B.,

Presiding Officer.

C.R. No. 94/89

I PARTY

K. Srinivas Kamath,
Temple Tank Colony
V.T. Road,
Mangalore.
(K. Ram Bhat)
Advocate

II PARTY

The Regional Provident Fund Commissioner,
No. 13, Raja Rammohan Roy Road,
Bangalore-560025.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/84/89-IR(DU) dated 13th December, 1989 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Regional Provident Fund Commissioner, Bangalore in terminating the services of Shri K. Srinivas Kamath w.e.f. 13-12-1988 is justified? If not, to what relief the said workman is entitled?"

2. Notices were issued to parties and parties filed Claim Statement and counter respectively.

3. First party was selected for the post of an Attender/Messenger in the Mangalore Office and reported for duty on 2-5-1988. He was appointed on daily wage rate of Rs. 12 per working day. He was abruptly but orally was informed that his services stand terminated. Therefore dispute is raised.

4. First party appeared and filed Claim Statement. The main contention of the first party is that the terms and conditions of his appointment had not been communicated to him in writing and he was only informed that he was appointed in regular vacancy, and services should be absorbed against permanent vacancies in the local office. But nothing was done as he was not regularly appointed and therefore terminating his services is not correct and legal. The first party for these reasons has prayed to pass an award in his favour.

5. Second party appeared and filed counter statement. According to second party the dispute is not maintainable either in law or on facts. The dispute does not come under the purview of Section 2K read with Section 2A of the Industrial Dispute Act.

6. It is true that the I party was interviewed for the post of Messenger along with several others and he was engaged on daily rated basis. He was asked to work as a daily rated contingent employee and that he was working for some time. His performance was found to be unsatisfactory and therefore his services were discontinued. He has worked only for 150 days between the period 2-5-1988 to 12-12-1988. He was paid difference of Rs. 2452. Appointment was on contingent basis so he cannot claim any permanency whatsoever. It is not correct that he was given assurance of regular appointment. It is not correct that two persons were similarly situated and that their services were regularised. All the allegations made by the first party are not correct. The second party has prayed to reject the reference.

7. This is a very old case. It is seen from the records that for management MW1 is examined and various documents are marked. Against this, the first party got examined himself as WW1 and documents are marked. After giving many adjournments none of the parties appeared. Therefore the matter was posted for award.

8. I have carefully read the entire evidence, perused and considered all the documents.

9. In the instant case MW1, Mr. R. Kasturi, is Section Supervisor, and his evidence is that they have prepared a penal of names and considered for appointment to the post of Messenger. They have not considered the case of this workman for regular appointment as Messenger. Out of six persons only two were selected and were appointed as regular Messengers. He further said that the first party was appointed on contingent basis on a payment of Rs. 12 per day on daily wages. He worked only for 150 days covering period from 2-5-1988 to 30-12-1988. Ex. M1 is the Attendance Register. He has given details of working days of the first party. The work of the first party was not satisfied so work was dis-

continued. He has denied all the suggestions in the cross examination. Of course it is stated by MW1 in his cross examination that no memo or warning was given to the first party, stating that the work was unsatisfactory. It is the appointing authority which is competent to say about the work of the workman. It has come in the evidence of MW1 that the work of the first party was not satisfactory.

10. First party gave evidence in detail about his appointment and his working. There is no material filed on behalf of the first party to prove that his juniors were made permanent. First party says in his cross examination that he is having records to show that he was appointed as permanent worker. He further states that he was not filed any documents except WW1 and WW11.

11. It is seen from the records that the first party has filed two documents Ex. W1 and Ex. W11. Ex. W1 is a memo to appear for an interview. Ex. W11 is a letter asking first party to contact the Assistant Provident Fund Commissioner. Except this no other documents is filed. When first party has said in his cross examination that he is having records to show that he was appointed as a permanent worker, he should have filed those records. MW1 has denied the suggestion that all the contingent workmen who worked for a period of 6 months are absorbed except the first party. Taking all this into consideration I am of the opinion that there is no merit in this reference and the management has rightly taken action against the first party. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 26th April, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 1 मई, 2001

का.प्र. 1122.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हर्षिदयत इन्स्टिट्यूट ऑफ हॉर्टिकल्चरल रिसर्च के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण बैंगलोर के पंचाट को प्रकटित करती है, जो केन्द्रीय सरकार को 1-5-2001 को प्राप्त हुआ था।

[सं.एल-42012/128/90-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Institute of Horticultural Research and their workman, which was received by the Central Government on 1-5-2001.

[No. L-42012/128/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated : 27th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, Presiding Officer.

C.R. No. 9/91

I PARTY

Shri H. Anjanappa,
S/o K. Hanumantharayappa,
Iverakandapura,
Hessargatta Lake Post,
Bangalore North-560089.
(Adv. Mangalanda Rao)

II PARTY

The Director,
Indian Institute of
Horticultural
Research,
No. 25, Palace Orchards,
Bangalore-560080.
(Shri S. V. Sastry-Advocate)

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42012/128/90-IR(DU) dated 18-2-1991 for adjudication on the following schedule :

SCHEDULE

"Whether the management of Indian Institute of Horticultural Research is justified in discontinuing the services of Shri H. Anjanappa, casual labourer, w.e.f. 4-5-84 ? If not, to what relief the concerned workman is entitled to ?"

2. The first party was working with the second party. He was doing work in the field of research in fruits and vegetables.

3. The first party was the Vice President of the Indian Institute of Horticultural Research Station Workers Union. The first party was refused to do employment therefore, Industrial Dispute was raised.

4. Parties appeared and filed Claim Statement and Counter respectively.

5. First party has filed claim statement contending that he was working as watch and ward employee for over 8-1/2 years and joined services in January 1976. In the year 1982 he was posted as Power Tiller Driver. From 4th May, 1984 to 26th May, 1984 the first party was sick and was on leave after giving application and on 7th July, 1984 he was fit for work but he was not taken for work and the action of the management is illegal. The first party has said that the management has not put up seniority list before terminating the services and has ignored the rule of last come first go and has not complied with the provisions of Section 25F and no enquiry was held and the action of the management is illegal and anti labour and amounts to unfair labour practice. The first party for all these reasons has prayed to pass an award in his favour.

6. Second party appeared and filed counter.

7. The case of the second party is that the second party management is only research oriented organisation and not an industry under Section 2(j) of the Industrial Dispute Act. All the allegations made by the first party are not correct. The first party was only a casual labour and was given work whenever there was work in the field. He was never in the regular employment of the second party. The first party did not attend work from 4-5-1984. Question of granting leave or refusing leave does not arise. The second party has also stated that the allegations made by the first party regarding conciliation are not correct. The first party is not entitled for any reinstatement. The second party for these reasons has prayed to reject the reference.

8. It is seen from the records that on 5th February, 1999 common award was passed and reference was rejected. It is seen from the records that on 5th February, 1999 the first party has filed miscellaneous application to recall the said award and Misc. application is disposed off, and CR No. 9/91 recalled.

9. It is seen from the records that even after many adjournments were given, first party not appeared. Thereafter management examined one witness MW1. His evidence is that the first party was working only as a casual labourer. He has also stated that casual labourers are engaged for field work and they are not regular employees. First party was not a permanent employee of the management. This MW1 is not cross examined by the first party. First party has also not given evidence to prove his case.

10. Taking all this into consideration I am of the opinion that there is no merit in this reference. Accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 27th April, 2001.)

HON'BLE SHRI V. N. KULKARNI, Presiding Officer

नई दिल्ली, 3 मई, 2001

का.आ 1123—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली मिल्क स्कीम के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[स एल-42012/246/98-आई.आर. (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd May, 2001

S.O. 1123.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government

Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Delhi Milk Scheme and their workman, which was received by the Central Government on 3-5-2001.

[No. L-42012/246/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer.

ANNEXURE

BEFORE SHRI KESHAV SARAN SRIVASTAV : PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI
I.D. No. 137/99

Sh. Vinod Kumar,
Through Delhi Labour Union.
Genl. Secretary, DLU, Aggarwal Bhawan,
GT Road, Tis Hazari,
New Delhi-110054.

Versus

The Gen. Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008.

PRESENT :

Sh. Surender Kumar alongwith the workman Sh. Vinod Kumar.

Sh. Deep Chand Accountant of the Management.

AWARD

The Central Government in the Ministry of Labour has sent this reference under section 10(1)(d) and Sub-section 2(A) of the Industrial Dispute Act, 1947 vide its order No. L-42012/246/98/IR(DU) dated 26-4-1999 for the adjudication of the Industrial Dispute on the following terms :—

“Whether the management of DMS is justified in withholding the compensatory appointment under the rules to Sh. Vinod Kumar S/o Late Sh. Bhullah Singh ex-mate in DMS on the ground of non-availability of vacancy in the establishment? If not, to what relief the dependent of workman is entitled to and from what date?”

2. The Statement of Claim and Written Statement were exchanged between the parties. The workman failed to file rejoinder against the Written Statement filed by the management.

3. The workman has moved application dated 27-4-2001 stating that since he has been given appointment as 'Chowkidar' under the management so he does not want to prosecute the case any further and he wants to withdraw it. Vide endorsement made on the application the Management has no objection.

4. In view of the fact a 'No Dispute Award' is given in the case.

27-4-2001.

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 3 मई, 2001

का.आ. 1124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली मिल्क स्कीम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[स.एल-42011/4/97-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 3rd May, 2001

S.O. 1124.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Delhi Milk Scheme and their workman, which was received by the Central Government on 3-5-2001.

[No. L-42011/4/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI KESHAV SARAN SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No 181/97

Sh. Rattan Singh,
Through The Gen. Secy.,
DMS Emp. Union, C.J.S. DMS,
West Patel, Nagar,
New Delhi-8.

Versus

The Gen. Manager,
D.M.S. Shadipur Depot,
New Delhi-8.

PRESENT :

Sh. Rattan Singh in person.

Sh. Shyam Lal for the Management.

AWARD

The Central Government in the Ministry of Labour has sent this reference under section 10(1)(d) and Sub-section 2(A) of the Industrial Dispute Act 1947 vide order No. L-42011/4/97-IR(DU) dated 27-10-97 for the adjudication of Industrial Dispute between the parties on the following terms :-

"Whether the action of the management of Delhi Milk Scheme, Delhi in retiring Sh. Rattan Singh work Asstt. at the age of 58 years w.e.f. 1-4-96 is just and fair if not, to what relief the concerned workman is entitled ?"

2. At the stage of Management Evidence the workman has moved this application dated 9-4-2001 stating that in view of the circumstances arisen he is not interested to prosecute with the case any further. He has also stated that the costs Rs. 150/- and Rs. 500/- awarded against the management in the case vide order dated 17-1-98 and 9-2-99 respectively have not been paid by the management.

3. On consideration of the fact of the withdrawal of the case by the workman I find that his claim for the payment of the costs awarded against the management in the case cannot be accepted for his payment to the workman.

4. In view of the fact the workman has withdrawn his case against the management, a No Dispute Award is given.

27-4-2001.

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल प्लांटेशन कोम्प रिसर्च इन्स्टिट्यूट के प्रबंधन

के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[स.एल-42012/44/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 4th May, 2001

S.O. 1125.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Plantation Crops Research Institute and their workman, which was received by the Central Government on 4-5-2001.

[No. L-42012/44/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 1st May, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni B. Com LL.B.
C. R. No. 135/97

I PARTY

Sri Mukankila ,
Adkabala House,
Aranthodu Post,
Sullia Taluk
D.K.

II PARTY

Director
N. R C for Cashew
Puttur,
D.K.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-42012/44/95-IR(DU) dated 24th April 1996 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Central Plantation Crops Research Institute in dismissing the services of Shri Mukankila is proper, legal and justified? If not, to what relief the workman is entitled to?"

2. The first party was working as Mazdoor for 4 years and he served continuously and rendered unblemished continuous service. He is an illiterate person.

The second party management without any lawful reasons has terminated his service.

1424 GI/2001—16.

3. The first party has filed claim petition.

4. The case of the first party is that the order of termination is illegal and unlawful against the principles of natural justice and equity. He was called upon for the explanation for his absence and he submitted his explanation. He remained absent on the ground of ill health, as stated in para 4 & 5 of the claim Statement. False charge sheet was issued. Enquiry is not correct. No opportunity was given. The first party for these reasons has prayed to pass an award in his favour.

5. Second Party appeared and filed Written Statement. The case of the second party in brief is as follows :—

6. It is true that the first party was appointed as supporting staff Gr. 1 w.e.f. 20-12-1986, but he was not working as Mazdoor for four years prior to his appointment on 20-12-1986. He was engaged as Casual Labourer intermittently prior to his regular appointment. He remained absent as stated in para 3 sub clause 1, 2, 3, 4 & 5 of the Claim Statement. His absence was not on account of ill-health. His explanation was not correct. He never improve himself Therefore domestic enquiry was held by giving full opportunity to the first party workman. The enquiry is fair and proper. The second party for these reasons has prayed to reject the reference.

7. It is seen from the records that on 7th June, 1999 my learned predecessor passed orders holding that the domestic enquiry is in accordance with law. Thereafter case was posted for arguments on merit. The first party has not appeared and advanced arguments. I have seen the records. I have carefully perused all the enquiry papers and I am of the opinion that there is no perversity in the finding given by the enquiry officer.

8. In view of this now we will have to see whether the punishment is proportionate or requires interference. In the instant case first party has not given evidence and not produced any documents to substantiate his absence. MW1 is cross examined by the first party and nothing is made out from his cross examination, in order to say that the punishment is disproportionate. The first party workman should have and given evidence saying that the finding is perverse and the punishment is disproportionate. But all that is not done. Taking all this into consideration I am constrained to hold that there is no merit in the reference and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 1st May, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2001

का.आ. 1126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ सेंट्रल रेलवे के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2001 को प्राप्त हुआ था।

[सं. एल-41012/12/90-आई आर (डीयू)/(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 30th April, 2001

S.O. 1126.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 27-4-2001.

[No. L-41012/12/90-IR(DU)(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated : 20th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni B. Com. LL.B.
Presiding Officer.

C.R. No. 62/90

I PARTY

Shri S. Shankar, Khalasi

II PARTY

The Chief Workshop
Manager,

C/o IV Mygeri, Advocate
R. S. Patil's Office
Koppikar Road,
Hubli-580 020.

Railway Workshop,
South Central Railway,
Hubli-580 020.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-41012/12/90-IR (DU) dated 6-11-1990 for adjudication on the following schedule :

SCHEDULE.

"Whether the action of management of South Central Railway Hubli in terminating the services of S. Shankar, Khalasi w.e.f. 20-9-88 is justified? If not, what relief he is entitled to and from what date?"

2. The first party was employed as Khalasi in the year 1969 and since he has been working till he removed from service on 20-9-1988. His removal is illegal therefore, he raised industrial dispute. Parties appeared and filed claim statement and counter.

3. The case of the first party is that removal from service as Khalasi is illegal and bad in law. The enquiry is bad in law and same is not hold properly. The penalty of removal from service without sanctioned leave or a proper railway medical certificate is not correct. The absence of the petitioner from duty was due to mental insanity. The absence was not intentional. He was admitted in hospital. The first party has prayed to pass an award in his favour.

4. Second Party filed counter contenting that the application is bad in law. The absence is given in para 2 of the counter. It is said that first party remained absent without any sanction of leave. It is said the removal is correct and enquiry is concerned it is said the same is valid and proper. The second party for these reasons has prayed to reject the case.

5. It is seen from the records that on 18th April 1994 finding is given holding that the DE is not in accordance with the principles of natural justice and fair play. In other words the misconduct is not proved by the management. The management, after domestic enquiry was held as not proper, failed to adduce evidence to establish the misconduct. The charge against the first party is that he remained absent. In my humble opinion, action of the management in terminating the services for remaining absent on unauthorised leave is not justified and proportionate. The management has failed to establish that the misconduct is serious and punishment of termination is proper. Taking all this into consideration I am of the opinion that the action of the management is not proper and the reference has to be allowed and accordingly I proceed to pass the following order :

ORDER

The reference is answered in favour of the first party directing the second party to reinstate the first party. In the given circumstances, the first party is not entitled for backwages. Accordingly award is passed.

(Dictated to PA. transcribed by her corrected and signed by me on 20th April, 2001).

Dated : 20-4-2001.

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 1 मई, 2001

का.आ. 1127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सोनाली बैंक, कलकत्ता के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[सं. एल-12012/226/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1127.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sonali Bank, Calcutta and their workman, which was received by the Central Government on 30-4-2001.

[No. L-12012/226/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL AT KOLKATA

Reference No. 43 of 2000

PARTIES .

Employers in relation to the management of Sonali Bank, Calcutta.

AND

Their Workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCES :

On behalf of Management : Mr. S. K. N. Chaudhuri an Officer of the Bank.

On behalf of Workmen : Mr. M. Ganguly, Secretary of the Union.

STATE : West Bengal.

INDUSTRY : Banking.

AWARD

By Order No. L-12012/226/2000/IR(B-I) dated 10-10-2000 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Sonali Bank in refusing the casual leave on 20-9-99 to Abdul Basar, Sub-staff-cum-Driver when applied for and not communicating him the refusal by 20-9-99 and subsequently deducting his salary for the day on 20-9-99 is justified ? If not, to what relief the concerned workman is entitled ?”

2. When the matter is called out today, representatives of both the parties appear and file a joint petition praying for closure of the case as the parties have settled the matter between themselves.

3. In this view of the matter, the reference is disposed of as a case of “No Dispute”.

Dated, Kolkata,

The 18th April, 2001.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 1 मई, 2001

का.प्र. 1128.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के सबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था ।

[स. एल-12012/77/91-आई प्रार (बी-)]

अजय कुमार, डस्क अधिकारी

New Delhi, the 1st May, 2001

S.O. 1128.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 30-4-2001.

[No. L-12012/77/91-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR

COURT, BANGALORE

Dated . 27th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni B.Com., LLB., Presiding Officer.

C.R. No. 27/91

I PARTY

Shri N. Nanjundappa,
C/o Shri B. D. Kutappa,
Advocate,
128, Cubbonpet Main Road,
Bangalore-560002.

II PARTY

The Regional Manager,
State Bank of India,
Regional Office,
St. Mark's Road,
Bangalore-560001.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order no. L-12012/77/91-IR.B-III dated 7-5-1991 for adjudication on the following schedule :

SCHEDULE

"Whether the action on the part of the Management of State Bank of India, Bangalore in discharging the services of Shri N. Nanjundappa, Sweeper, w.e.f. 27-11-85 was justified? If not, to what relief the workman is entitled to?"

2. The first party was working as Sweeper in the management from 4-9-1972. For the misconduct charge sheet was issued and he was discharged from service. Therefore, industrial dispute is raised.

3. After issue of notices parties appeared and filed claim statement and counter respectively.

4. The first party filed his claim statement.

5. According to the claim statement, the first party had availed LTC along with five members of family and committed fraud. He had not travelled with tourist agency and they had no vehicle with TMN registration and there was no one by name Sri Krishna Singh who had signed cash receipt and that the bills submitted by the first party was a fraudulent one. The case of the first party is that the charge is not correct. Enquiry was not properly held and nothing was proved against the first party. The first party is not guilty of any charges. The punishment is too harsh and not proportionate. The first party for these reasons and some other reasons as stated in the claim petition has prayed to pass an award in his favour.

6. Second party appeared and filed counter. The case of the second party is that the enquiry was correct and there is no perversity in the report of the enquiry officer. The procedure adopted is correct. The punishment was based on the evidence. There is no discrepancy between the finding and reasons recorded by the Enquiry Officer. The punishment is proper. The second party for these reasons has prayed to reject the reference.

7. It is seen from the records that the management examined MW1 for domestic enquiry and the workman also gave evidence. It is seen from the records that this court by order dated 26-7-1993, the domestic enquiry was set aside and the second party is given chance to justify action. Thereafter the second party examined MW2, Mr. R. R. Bekal, Regional Manager. His evidence is that he investigated the genuineness of LGC claimed by the first party. Ex. M3 is the bill submitted by him. He further states that he contracted one Shri Radhakrishna, of Travel Tips and enquired about Exs. M7 and M8 and according to Radha Krishna the receipt was issued but it was not genuine. It is also informed that the first party has not undertaken any journey. In the cross examination MW2 says that he is not aware of any minor punishment imposed by the management in similar circumstances against David Kaj, A. Arkia Swamy and B. Narayan Swamy. This cross examination shows that in a situation like this, the management for similar misconduct has imposed minor punishment. MW2 has simply said that he is not aware of minor punishment. It was argued by the learned counsel for the first party by filing some documents that in similar cases minor punishment was awarded. There is merit in this argument. I have carefully perused M3, M4 and M5 and other

documents. Admittedly in the instant case domestic enquiry is set aside. Now the management has to prove specifically, the misconduct. In the instant case for the reasons best known to management Shri R. R. Bekal who is a material witness is not examined. Of course from the evidence of MW2 it is established that the claim made by the first party is not genuine.

8. It was submitted by the learned counsel for the first party that the first party attained the age of superannuation in the year February, 1999. First party was present in the court hall and the counsel for the first party wanted to examine, but due to paralytic attack the first party is unable to speak and stand properly. The learned counsel for the first party submitted that he is unable to examine him and thereafter arguments were heard.

9. Now we have to see in the given circumstances, whether the punishment of discharge is proportionate for the alleged misconduct. At the very outset, I am of the opinion that the punishment of discharge from service is not proportionate. Further since 1999 the situation is quite different, because the first party has attained the age of superannuation and he is badly sick due to paralytic attack. Taking all this into consideration I am of the opinion that it is a fit case to take lenient view. Accordingly ends of justice will meet if I order reinstatement without any back wages.

10. In my opinion, in a situation like this I feel the first party is entitled for all pension benefits. Accordingly I proceed to pass the following order.

ORDER

The reference is partly allowed. The management is directed to reinstate him from the date on which he was discharged till his superannuation date. No back wages are allowed. The management is directed to give all pension benefits legally to which the first party is entitled. Accordingly the reference is disposed off.

(Dictated to PA transcribed by her corrected and signed by me on 27th April, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 2 मई, 2001

का.श्रा. 1129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पांडेयन ग्रामा बैंक, विरूद्वनगर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-2001 को प्राप्त हुआ था।

[सं. एल-12012/103/96—आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 2nd May, 2001

S.O. 1129.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government

Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Pandyan Gramin Bank, Virudhunagar and their workman, which was received by the Central Government on 1st May, 2001.

[No. L-12012/103/96-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Friday, the 30th March, 2001

PRESENT :

K. KARTHIKEYAN, Presiding Officer

Industrial Dispute No. 442/2001

(Tamil Nadu Industrial Tribunal I.D. No.
76/97)

BETWEEN

Shri R. Shankara Narayana Moorthy

Workman/I Party.

AND

The Chairman,

Pandyan Grama Bank,

Virudhunagar. Management/II Party.

Appearance :

For the Workman . M/s. P.V.S.
Giridhar, Advocates.

For the Management . M/s. N.G.R.
Prasad, Advocates.

Reference :

Order No. L-12012/103/96-IR(B-I) dt.
6-8-97, Govt. of India. Ministry of
Labour, New Delhi.

AWARD

The Govt. of India, Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947, have referred the following dispute under the above order for adjudication :—

“Whether the action of the Management of Pandyan Grama Bank in terminating the employment of Shri R. Sankara Narayana Moorthy is justified? If not, to what relief the concerned workman is entitled?”

2. This case was originally referred to Tamil Nadu Industrial Tribunal by the Central Govt. was taken on file there as I.D. No. 76/97. On receipt of notices from that Tribunal, both the parties entered appearance through their counsel and filed their respective Claim Statement and Counter Statement. When the matter was pending before that Tribunal for enquiry, as per the Orders of Central Govt., it was transferred from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal and was taken on file as Industrial Dispute No. 442/2001.

3. After the matter has been taken on file on 9-2-2001 by this Tribunal notices were sent to counsel on record on either side by Registered Post, informing them about the transfer of this case to the file of this Court, with a direction to appear before this Tribunal with their respective parties to proceed with the enquiry in this case, on 27-2-2001. The Petition filed by the I Party/Petitioner for production of documents by the II Party/Management which was pending in the file as M.A. No. 108/2000 before the Tamil Nadu Industrial Tribunal, on receipt of records by this Tribunal, on transfer, re-numbered as I.A. 18/2001. As the counsel for the II Party alone was present, the enquiry in this case was adjourned to 01-03-2001. Then after four hearings, at the request of the Counsel on either side, the case was posted on 26-03-2001 for enquiry at Camp Court at Virudhunagar. When this case was taken up for enquiry at Camp Court at Virudhunagar on 26-03-2001, the counsel for the I Party/Workman appeared before the Court and represents that he reports no instructions for the I Party/Petitioner. The Petitioner was also not present. Then the case was adjourned to 30-3-2001 for enquiry to be held at the Tribunal premises at Chennai.

4. When the matter was taken up today for enquiry, the counsel on either side are present. Both the parties are not present. The counsel for the I Party/Petitioner had already reported no instructions for the I Party before the Camp Court in the previous hearing and had made an endorsement to that effect in the Vakalat. For today's hearing also, there was no reason adduced for the non-appearance of the I Party/Petitioner. So, under such circumstances this Tribunal had left with no other option but to dismiss this industrial dispute for default and non-prosecution by the I Party/Claimant.

Accordingly, this reference is closed passing 'no relief' award. No Cost.

(Dictated to the Stenographer, transcribed & typed by him and corrected & pronounced by me in the open court on this day, the 30th March, 2001).

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 3 मई, 2001

का.आ. 1130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, रेल रोड कंस्ट्रक्शन (प्रा.) लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 मई, 2001 को प्राप्त हुआ था।

[सं. एल-41011/16/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd May, 2001

S.O. 1130.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Rail Road Construction (P) Ltd. and their workman, which was received by the Central Government on 2-3-2001.

[No. L-41011/16/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF THE PRESIDING OFFICER,
C.G.I.T.-CUM-LABOUR COURT,
BHUBANESWAR

I.D. Case No. BBSR-7/2000

Dated, 23rd April, 2001.

PRESENT :

Shri S. K. Dhal, OSJS,
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

BETWEEN

M/s. Rail Road Construction (P) Ltd.,
P. B. No. 12
Angul-752122 (Orissa).

AND

The General Secretary,
NALCO Thika Mazdoor Sangh,
Room No. 23, Market Complex,
NALCO Nagar, Angul-752122 (Orissa).

ORDER

The Government of India (Ministry of Labour) has made a reference u/s. 10 of I.D. Act, to answer the following question :

“Whether M/s. RRCC and RRCC(P) Ltd., are one or same? If yes, what relief the workmen are entitled to?”

While making reference both the parties were informed by the Ministry to file their claim statement. This Tribunal also issued notice to the parties and in pursuance of that notice the Management appeared but no step was taken on behalf of the workman. So the workman has been set ex parte.

On behalf of the Management one witness has been examined. He has corroborated the written statement filed by him. The evidence he has deposed is that RRCC Construction Co. is a partnership firm. It has been created by Partnership deed, which has been registered by the Registrar of Firms of Haryana in the year 1986-87. In support of this evidence he has filed a copy of registered certificate and partnership deed. He has stated that the partnership firm and Pvt. Ltd. company are two separate legal entity having no concern with each other. These two firms are not one and the same. His evidence has not been challenged in the cross examination. So there is no ground to dis-believe the evidence of P.W.1 examined on behalf of the Management.

In view of the above facts it is answered that, M/s. RRCC and RRCC(P) Ltd. are not one or same and the workmen are not entitled for any relief. Reference is answered accordingly.

Dictated and corrected by me.

S. K. DHAL, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार साउथ ईस्टर्न रेलवे, बिलासपुर (एम.पी.) के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एल-41012/72/91-डी-2(बी) आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th May, 2001

S.O. 1131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway, Bilaspur (M.P.) and their workman, which was received by the Central Government on 3-5-2001.

[No. L-41012/72/91-D-2(B)IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR CAMP AT RAIPUR

K. M. Rai.—Presiding Officer

Case No. CGIT/LC(R)(29)/92

Shiv Bahadur
Substitute Porter.

.. Workman

Vs.

The Divisional Rly.
Manager, SE Rly.,
Bilaspur.

.. Management

AWARD

(Passed on this 28th day of March, 2001)

The Government of India, Ministry of Labour, has referred the following dispute vide order No. L-41012/72/91-D-2(B), dated 20-2-1992 for adjudication:

“Whether the action of the Divisional Railway Manager, South Eastern Railway, Bilaspur (M.P.) in terminating the services of Shri Shiv Bahadur, Substitute Porter w.e.f. 9-8-1986 is justified? If not, what relief he is entitled to?”

2. The Workman did not appear in the court when the case was called on for hearing. It appears that he is not interested in pursuing his claim. Hence, the case proceeded ex-parte.

3. In the absence of the Workman, it is held that no dispute exists between the parties to the case. The Workman is, therefore, not entitled to any relief as claimed by him.

4. In view of the above said facts, the reference is answered in favour of the Management and against the Workman.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, भोपाल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-5-2001 को प्राप्त हुआ था।

[सं. एल-41012/36/91-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th May, 2001

S.O. 1132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management

of Central Railway, Bhopal and their workmen, which was received by the Central Government on 4-5-2001.

[No. L-41012/36/91-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/206/91

Presiding Officer : Shri K. M. Rai.

Shri Anwar Hussain,
S/o Shri John Mohammad, 12 Block,
Central Railway Colony,
Harda,
District Hoshangabad.

.. Applicant.

Versus

The Divisional Railway Manager,
Central Railway,
Bhopal.

.. Non-applicant.

AWARD

Passed on this 12th day of April, 2001

1. The Government of India, Ministry of Labour vide order No. L-42012/36/91-IRB-II dated 12-11-91 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the Central Railways, Bhopal in terminating the services of Shri Anwar Hussain, S/o John Mohammad was justified? If not, to what relief the workman is entitled to?”

2. The case for the workman is that he was working on monthly rate of pay under PW1, Bina, Central Railway from 4-5-77 on service card No. 276093 issued by the PWI. Thereafter he was taken up in service from 19-12-84 to 19-8-85 by the PWI(R), Harda. He was medically examined and was found fit in B-1 and A-3 and was posted under PW1 (N), Harda from 19-8-85 to 23-4-86. The medical certificate was issued to him on 16-10-85. While working under PW1 (N), Harda he was ordered to work under PWI(R)(Bir) where he was given a show cause notice dated 14-2-87 for giving a wrong service card number. Later on his services were terminated by PWI (R-B) from 8-2-88 without any reason. His service card was deposited in the PWI Office.

3. The workman further alleges that he filed a petition before the CAT, Jabalpur challenging the validity of his removal from service. The CAT returned his petition on 14-3-90 with a direction that he should approach the Assistant Labour Commissioner, Bhopal for needful action. As per direction of the said Court, he approached the ALC(C), Bhopal who recommended the present dispute for adjudication by this tribunal and accordingly the Government of India has referred this case for decision. Prior to removal from service neither any enquiry was conducted against him nor any notice was served on him as per provisions of I.D. Act, 1947. He had continuously worked for more than

11 years and therefore his removal from service is absolutely illegal which deserves to be quashed. He is entitled to reinstatement with back wages and other monetary benefits attached to the post.

4. The case for the management is that the service card submitted by the workman was found to be forged one and therefore his services were rightly terminated by the Railway. On the basis of such forged service card, his appointment was found to be absolutely illegal. On verification, CPWI(N)(Bina) informed PWI(R)(Bir) that no service card No. 276093 was issued by his office to anyone. In this way, this card was found to be a forged document on the basis of which the workman had managed to secure the employment. The basis of employment was found to be illegal and therefore a show cause notice was issued to the workman. After receiving the notice the workman did not submit his explanation and left the job and never attended his duty. In view of all these circumstances the workman is not entitled to reinstatement with back wages as claimed by him.

5. The following issues arise for decision in the present case :—

1. Whether the workman is entitled to reinstatement with back wages ?
2. Relief and costs ?

6. Issue No. 1: The workman has claimed that he was employed as casual labour vide service card No. 276093 Ex. M-I by PWI, Central Railway, Bina. It has been specifically stated by the Railway that the said card, on the basis of which the employment was secured by the workman, is in genuine. To prove this fact, Railway has examined PWI Shri P. K. Sharma and Shri M. L. Golan who had been posted as PWI at Bina at the relevant time. They have categorically stated in their statement that no service card bearing No. 276093 was ever issued by the office of PWI, Bina to the workman to perform his duty as casual worker. According to them his service card is a forged document on the basis of which the workman succeeded in getting the employment as casual worker. From the documents produced by the Railway it becomes amply clear that no such service card was ever issued to the workman. Had this card been issued to the workman the entries for same in the relevant records must have been done. Issue of such card does not find place in any connected record of the railways. Both these witnesses have specifically testified that the said service card of the workman was properly verified by the administration and it was found that no such service card was ever issued to the workman. This evidence of both these management's witnesses has not been challenged by any cogent evidence of the workman. There is no reason on the record to discard the evidence of these two witnesses of the Railway.

7. In view of the evidence of the management and other materials on record it is amply established that the service card Exhibit M-I, on the basis of which the workman secured employment as casual worker in the Railways, is genuine. On the basis of such genuine documents, the workman cannot claim as matter of right to the post as the basis of securing employment is genuine document. It will make no

difference even the workman continuously worked for a period of 11 years in the Railway. The illegality cannot be rectified by a continuous service for 11 years. The workman was rightly terminated by the management the moment it came to its light that the basis of employment is a forged document. No illegality in terminating the services of the workman has been committed by the management. His termination is perfectly justified. Issue No. 1 is accordingly answered.

8. Issue No. 2 : In view of my findings given on Issue No. 1, the workman is not entitled to be reinstated with back wages as claimed by him. His termination from service is perfectly legal and does not require any interference by this tribunal. The reference is accordingly answered in favour of the management and against the workman.

9. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इंडियन बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पालकाट के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[सं. एन-12012/77/99-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th May, 2001

S.O. 1133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Palakkad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Indian Bank Ltd., and their workmen, which was received by the Central Government on 3-5-2001.

[No. L-12012/77/99-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, PALAKKAD

(Monday, the 23rd April, 2001)

PRESENT :

Sri B. Ranjit Kumar, Industrial Tribunal.
Industrial Dispute No. 148/99(C)

BETWEEN

The Chairman, South Indian Bank, Head Office,
T. B. Road, Thrissur-680 001.

(By Adv. M. Venugopalan)

AND

The General Secretary, South Indian Employees
Association, Post Office Road, P.B. No.
131, Thrissur-1.

(By Adv. M. S. Jaffer Khan)

AWARD

The facts and circumstances of this case have been narrated in the preliminary order dated 26-2-2001. For the sake of brevity and to avoid repetition the same is extracted hereunder.

PRELIMINARY ORDER

2-1. The Government of India, Ministry of Labour as per order No. L-12012/77/99-IR(B-I) dated 16-8-1999, referred the following issues for adjudication :

"Whether the action of the management of the South Indian Bank Ltd. in dismissing Shri M. Rathinam sub-staff, Keelapaguthy branch from the services of the bank with effect from 13-12-97 is justified? If not, what relief the workman is entitled to?"

2-2. The workman Sri Rathinam was dismissed from service on the basis of the findings of an Enquiry Officer rendered in a domestic enquiry. The workman has filed claim statement dated 17-5-2000 and rejoinder dated 16-10-2000 challenging the validity of the domestic enquiry.

2-3. The management has filed written statement dated 18-9-2000 justifying the dismissal of the workman. According to management, the domestic enquiry conducted against the workman was quite fair and proper as the workman was given sufficient opportunity to defend his case.

2-4. In view of the above rival contentions, the preliminary issue to be considered is whether the domestic enquiry held into the charges against the workman is legal and valid.

2-5. A perusal of Ext. M1 enquiry file shows that the enquiry was conducted by the Chief Manager of the Management Bank by giving the workman ample opportunities to defend his case. It is observed from Ext. M1 file that the workman was represented in the enquiry by Sri K. S. Anthonis who is said to be a union leader.

2-6. The objection raised by the workman in his claim statement and rejoinder is that he was denied the assistance of an expert in the enquiry for the purpose of cross examination of witnesses. As already observed hereinabove, the workman was permitted to have the assistance of Sri K. S. Anthonis in the enquiry and it is also seen that the management-witnesses were elaborately and effectively cross-examined on behalf of the workman. The workman (WW1) himself has admitted before this Tribunal that he was represented in the enquiry by the union leader and the said leader had cross-examined the witnesses on his behalf. The cross-examination of some of the witnesses runs several pages and cross-examination had been done on several days. Therefore, it cannot be held that the workman was denied the assistance of an expert in the domestic enquiry.

2-7. At the time of hearing on the preliminary issue regarding propriety of the enquiry, this Tribunal asked whether the workman had filed any authorisation in the enquiry authorising Sri K. S. Anthonis to represent him in the enquiry. The counsel for the management was not in a position to reply the above

query nor he was able to trace out the authorisation from Ext. M1 file. He submitted that it was not necessary to file any authorisation in a domestic enquiry. He has also pointed out that even in the present adjudication proceedings, the workman or the union has not filed vakalath before this Tribunal. A perusal of court records shows that neither the workman nor the union has filed the vakalath though it was submitted on the first hearing date that vakalath had been filed.

2-8. The counsel for the management further submitted that this is a dispute raised by the union, but the said union has not filed any claim statement. It is true that the union has not filed any claim statement or rejoinder. The workman himself has filed the claim statement and rejoinder. The union has filed a statement dated 16-10-2000 praying that the claim statement filed by the workman may be treated as the claim statement of the union. The issue referred for adjudication in the present case is a dispute coming under Section 2-A of the I.D. Act. Therefore, the workman himself was entitled to raise the dispute without the help of the union. Therefore, I do not think that there is any irregularity and illegality in permitting the workman to file the claim statement rejoinder etc. and prosecuting the matter by himself.

2-9. Though no vakalath has been filed on behalf of the workman or the union Sri M. S. Jaffer Khan, advocate was permitted to represent them in these adjudication proceedings. I feel that the filing of vakalath or an authorisation is only a formality which can be waived in the discretion of the Tribunal.

2-10. The further objection raised by the workman/union regarding domestic enquiry is that the enquiry proceedings were recorded in English which is a language not known to the workman. But it is seen that he has signed the enquiry proceedings on every day along with his union representative Sri K. S. Anthonis. It may be true that the workman is not well versed in English. But he has no case that Sri K. S. Anthonis does not know English. It is further observed that the charge sheets and other memos issued to the workman are in English and he had replied the same in English. It is also pertinent to note that after the conclusion of the enquiry the management has issued to him a memo dated 16-10-97 enclosing a copy of the enquiry report and requesting him to submit his representation/submission on the enquiry report. Accordingly, he submitted a representation which is also in English. This representation is seen jointly signed by the workman and K. S. Anthonis. It is also pertinent to note that he has not pointed out any procedural infirmities in conducting the domestic enquiry in his above representation. In this representation only the findings of the Enquiry Officer are seen assailed. In the circumstance, I hold that there is no procedural defects in holding the domestic enquiry against the workman.

2-11. The next point to be considered is whether the findings of the Enquiry Officer are correct. The charges levelled against the workman as per memo dated 20-12-1994 are as follows :—

- (1) that on 4-3-89 he alongwith Sri S. Arumugham and Sri S. Marimuthu persuaded Sri M. Rajendran, who is doing sweeping works

at the branch, to withdraw an amount of Rs. 8500 from his Savings Bank Account No. 1238 being the proceeds of DRI loans (3/89 dated 4-3-89 and 5/89 dated 4-3-89) credited to this account vide payment orders (6/89 and 7/89) and also Sri R. Somasundaram to withdraw an amount of Rs. 6900 from his Savings Bank Account No. 19 being the proceeds of two DRI loans (1/89 dated 4-3-89 and 4/89 dated 4-3-89). Out of this amount, an amount of Rs. 3500 was credited to his Savings Bank Account with the branch. Thereby he misappropriated an amount of Rs. 3500.

- (2) that the proceeds of the following loans extended by branch Kaniyalampatty in the name of fictitious persons were credited to his account with branch Keelapaguthy by way of Mail Transfer together with an amount of Rs. 9000 remitted by him. Thus he misappropriated the proceeds of these loans.

Sl. No.	Loan No.	Date of loan	Amount of loan	Name of Account
		(Agr.)	Rs.)	
1.	DPN 4/91	24-08-91	10,000/-	M. Rajalingam
2.	DPN 5/91	24-08-91	10,000/-	M. Manickam

- (3) that on 9-5-92, by misusing his official position, he persuaded Sri M. Rajendran, who is doing sweeping work at the branch to withdraw an amount of Rs. 700 from his S.B. Account (No. 1238) with the branch, which include a portion of the insurance subsidy amount of 35 IRDP loans credited to this account and received the amount. Thus he misused his official position and misappropriated the said amount.

- (4) that on 16-8-91 Branch Keelapaguthy where he is working as Daftary, extended DPN loan (5/91-92) in the name of his wife Smt. K. M. Srimbayee under a false address and proceeds credited to his account. Thus he misrepresented material facts and misappropriated the amount.

- (5) that on 24-8-91 branch Kaniyalampatty extended the following loans in fictitious names.

Loan No.	Amount	In the name of
DPN 4/91 (Agr.)	Rs. 10,000/-	M. Rajalingam
DPN 5/91	Rs. 10,000/-	M. Manickam

The proceeds of these loans together with an amount of Rs. 9000 remitted by him were sent to branch Keelapaguthy vide MT No. 788054 to the credit of his account with this branch. Thus he misappropriated the proceeds of the aforesaid loans."

2-12. The charge memo dated 20-12-94 was issued to the workman on the basis of a report submitted by Sri N. V. Jose, Chief Manager (Vigilance). This report has been marked in the domestic enquiry as Ext. M1 and proved by examining the said Sri N. V.

Jose as MW1. Sri N. V. Jose has elaborately stated in the enquiry the allegations against the workman based on supporting documentary evidence. He submitted Ext. M1 report after conducting a detailed investigation.

2-13. Apart from Sri N. V. Jose, Sri M. Rajendran, Sweeper and Sri M. Peethambharan, Manager, Regional Office were also examined in the enquiry in support of the charges against the workman. The management has produced all the relevant documents to show that the workman was involved in the transactions mentioned under various charges levelled against him. There is ample evidence in the domestic enquiry to show that the workman is one of the beneficiaries of these transactions. Therefore, he cannot pretend innocence by contending that he was only a Sub-staff, who had no role in sanctioning loan, disbursement of loan amounts etc. The Enquiry Officer has considered each piece of evidence in the enquiry adduced by both the management and the delinquent workman and has come to the correct conclusion that the workman is guilty of the charges. Though the Enquiry Officer was only a managerial staff, he has analysed the evidence in the enquiry judiciously and come to correct conclusions. In the circumstance, I do not find any reason to interfere with the findings of the Enquiry Officer.

2-14. In the result the preliminary point as to the validity of the domestic enquiry is found against the delinquent workman. Post the ID to 12-3-2001 for hearing on the question of punishment.

Propriety of Punishment

3. The charges proved against the workman are not only grave misconducts but also amount to criminal offences. Of course, being a Sub-Staff, the workman may not have any direct role in financial transactions of the management-bank. However, it will not be in the interest of the management to retain such a person in the service of the management-bank which is a financial institution dealing with public money. The workman had committed the misconduct not on a single occasion, but on several occasions. In view of the gravity of misconducts committed by the workman, it cannot be held that the punishment of dismissal meted out to him is disproportionate or excessive. I, therefore, feel that this is not a fit case for interference by invoking the provisions of Section 11-A of the I.D. Act.

Conclusion

4. In the light of the aforesaid discussion, an award is passed holding that the action of the management of the South Indian Bank Limited in dismissing Sri M. Rathinam, Sub-Staff, Keelapaguthy Branch from the services of the bank with effect from 13-12-97 is justified and he is not entitled to any relief. The reference order is answered accordingly.

Dated this the 23rd day of April, 2001.

B. RANJIT KUMAR, Industrial Tribunal

APPENDIX

Witnesses examined on the side of Management :
Nil.

Witnesses examined on the side of Workman :
WW1—Sri. Rathinam.

Documents marked on the side of Management :
Ext. M1—Enquiry file.

Documents marked on the side of workman :
Nil.

नई दिल्ली, 4 मई, 2001

का.प्र. 1134—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चम्बल क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिग्रहण/श्रम न्यायालय जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

[स. एल-12012/90/92-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th May, 2001

S.O. 1134.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14) of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chambal Kshetriya Gramin Bank, and their workman, which was received by the Central Government on 03-05-2001.

[No. L-12012/90/92-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/172/95

Presiding Officer : Shri K. M. Rai
Shri Narayan Singh Yadav, I.T.B.P.
Village Gosipura Karera,
Distt. Shivpuri (MP). .. Applicant.

Versus

The Chairman,
Chambal Kshetriya Gramin Bank,
Head Office : Morena (MP). .. Non-
applicant.

AWARD

Passed on this 12th day of April, 2001

1. The Government of India, Ministry of Labour vide order No. L-12012/90/92-IR-BI dated 17-2-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Chambal Kshetriya Gramin Bank Morena in terminating the services of Shri Narayan Singh Yadav w.e.f. 10-6-88 is legal and justified? If not, what relief the workman is entitled to?”

2. The case for the workman is that he was appointed as class IV employee by the Chambal Kshetriya Gramin Bank Morena vide order dated 1-3-87. He continued on the said post till 10-6-88 without any break. His services were terminated illegally by the branch Manager without complying the mandatory provisions under Sec-25-F of the I.D. Act, 1947. He had worked for more than 240 days in the preceding 12 months prior to the date of his termination w.e.f. 11-4-88. He was not given one month's notice prior to the termination of service nor any retrenchment compensation was given to him by the Bank. He is therefore entitled to reinstatement with back wages.

3. The case for the management is that the workman was temporarily employed for part-time work to clean the bank office on 1-3-87. His employment was absolutely temporary and for a fixed period of work. He was paid wages according to his work. He did not work continuously from 1-3-87 to 10-6-88 as claimed by him. He remained absent for 41 days from 1-3-87 to 10-6-88. On 11-6-88 he voluntarily absented himself from duty. On 8-10-88, he informed the management that he did not want to continue with the employment given by the Bank. In this way, the workman has voluntarily resigned from the duty. No undue influence was exercised on him to give his resignation in writing to the management. The then Branch Manager Shri V. K. Swami had never prevented the workman from attending his duty. The workman had voluntarily left the job on his own accord. In view of all these facts, the workman is not entitled to any relief as claimed by him.

4. The following issues arise for decision in this case :—

1. Whether the workman is entitled to reinstatement with back wages.

2. Relief and costs ?

5. Issue No. 1.—The workman has stated that he was appointed as class IV employee in the Chambal Kshetriya Granin Bank on 1-8-87. He continued on the said post till 10-6-86. He was posted in Karera branch of the Bank. He has admitted in the statement that no written order of appointment was issued to him by the Bank. The workman had admitted in his statement that the letter Exhibit M-1 addressed to Branch Manager bears his signature. This letter dated 8-11-88 clearly shows that the workman had voluntarily discontinued to work in the Bank and he gave his willingness in writing to the management for making the payment whichever was due to him. From this very letter, it appears that the workman had voluntarily left the job and he did not wish to continue any more in the Bank. On this basis it cannot be held that his services were terminated by the management. His contention is therefore relied by his own writing. For the appointment of class IV employee, the recruitment rules have been framed by the Bank. Those rules must be followed for appointing anyone as peon in the Bank. In this case no such regulation has been followed. At the same time the Branch Manager was not competent to appoint even a casual worker to perform part time duty in the Bank. If the workman was employed as a casual worker by the Branch Manager of the Bank, then appointment itself is void. On the basis of this illegal appointment the workman cannot claim any right to this post. In view of this fact also the workman is not entitled to be reinstated. Issue no. 1 is answered accordingly.

6. Issue No. 2.—On the reasons stated above, the workman is not entitled to any relief as claimed by him in this case. He is not entitled to reinstatement with back wages. The reference is answered in favour of the management and against workman.

7. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 मई, 2001

का.आ. 1135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैथोलिक सिरियन बैंक लिमिटेड के प्रबंधन के सबध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पालपाट के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2001 को प्राप्त हुआ था।

न. एल-12012/211/99-आर्द्र आर (बो-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 4th May, 2001

S.O. 1135.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Palakkad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Catholic Syrian Bank Limited and their workman, which was received by the Central Government on 3-5-2001.

[No. L-12012/211/99-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL
TRIBUNAL, PALAKKAD

(Monday, the 16th April, 2001)

PRESENT :

Sri B. Ranjit Kumar, Presiding Officer.
Industrial Dispute No. 152/99 (C)

BETWEEN

The Chairman, Catholic Syrian Bank Limited,
Head Office, Trichur.

(By Adv. M. Venugopalan)

AND

Sri V. M. Abdul Salam, Vadakkaedan, A. K.
Road, Opp. Central School, Malapuram-
676505.

(By Adv. Sreekumar Puthazhath)

AWARD

The Government of India, Ministry of Labour as per Order No. L-12012/211/99-IR (B-I) dated 29th September, 1999, referred the following issues for adjudication :

“Whether the action of the management of the Catholic Syrian Bank Ltd. in dismissing Shri V. M. Abdul Salam, Peon, The Catholic Syrian Bank Ltd., Malappuram Branch with effect from 31-7-1998 is justified? If not, what relief the workman is entitled to?”

2. The workman was dismissed from service on the basis of the findings of an Enquiry Officer rendered in a domestic enquiry held into the charges against him. In the claim statement dated 12-5-2000 and

rejoinder dated 19-10-2000, the workman has disputed the propriety of the domestic enquiry. On the other hand, the management has submitted in its written statement dated 28-8-2000 that the enquiry has been held complying with all the rules of law and principles of natural justice.

3. In view of the above rival submissions, the first point to be considered is whether the domestic enquiry held into the charges against the workman is legal and valid.

4. The enquiry file has been marked as Ext. M1 by examining the Enquiry Officer as MW1. A perusal of his deposition and Ext. M1 enquiry file shows that the enquiry has been held strictly in accordance with the principles of natural justice. The workman had been given ample opportunities to defend this case in the enquiry and he had availed of the opportunities with the assistance of two advocates.

5. The workman has a case that the charge sheet was not served on him before the domestic enquiry. However, he has (WW1) admitted before this Tribunal that at the commencement of the enquiry, he was served with a copy of the charge sheet and the charge sheet was also read over to him. The Enquiry Officer has recorded this fact in the enquiry proceedings. The workman has stated in the enquiry that he had understand the charges and he denied the same. Therefore, no prejudice has been caused to the workman for the reason of non-supply of the charge sheet earlier. As already observed, he was given ample opportunities to defend the charges in the enquiry and he had availed of the said opportunities. In the circumstance, I find that there is no procedural defects in conducting the domestic enquiry.

6. The next point to be considered is whether the findings of the Enquiry Officer are correct. The allegations levelled against the workman as per charge-sheet dated 22-1-97 are as follows:—

"(1) Disorderly and indecent behaviour on the premises of Bank.

(2) Wilful insubordination and disobedience of lawful and reasonable orders of the superiors.

(a) On 30-10-1996 at 4.30 p.m. you came to the Malappuram Branch of the Bank in an intoxicated stage and threatened the Assistant Manager, V. Venugopalan and the Branch Manager, B. A. Paul for returning a cheque drawn by you for want of funds in your account. You had persisted with your misconducts in spite of the advises from the Assistant Manager and the Branch Manager.

(b) On 18-10-1996 after cash remittance at the Gudalur Branch you came to the Branch at 5.30 p.m. in an intoxicated stage and started abusing the Asstt. Manager Mr. V. Venugopalan. After abusing the shouting in very bad language you caught hold of the shirt collar of Mr. Venugopalan.

(c) On 14-11-1996 you came to the Malappuram Branch at 12 O'Clock in a drunken

mood and asked the Branch Manager to sanction you Clean Pronote Loan under the Staff Scheme. Since all the loans availed by you were on default due to your leave on loss of pay, the Branch Manager told you that he had to refer the matter to Zonal Office/Head Office. Then you started abusing the Branch Manager in foul language, threatened and attempted to strike the Branch Manager.

Again at 4 O'Clock on the same day you came to the banking hall and started abusing the Branch Manager asking him why you were not sent for cash remittance on that day.

(d) On 16-1-1997 you came to the office in an intoxicated mood and created ugly scenes inside the Branch Premises in spite of the fact that you were prohibited from entering the Malappuram Branch premises during the period of suspension except for the purpose of operating your own amount, that too within the Branch Manager's cabin.

Therefore it is alleged that you have committed the misconducts of disorderly and indecent behaviour on the premises of the Bank and wilful subordination and disobedience of lawful and reasonable orders of the superiors.

3. Drunkenness on the premises of the Bank.— You came to the Malappuram Branch in an intoxicating mood and created ugly scenes under the influence of alcohol on several occasions.

Therefore it is alleged that you have committed the misconduct of "drunkenness on the premises of the Bank".

(4) Doing acts prejudicial to the interest of Bank.—When you were entrusted with the duties of cash remittances at Ernakulam and at other centres you had gone out of the car for consuming alcohol on several occasions showing scant regard to the duties entrusted to you.

Therefore it is alleged that you have committed the misconduct of doing acts prejudicial to the interest of the Bank.

(5) Unpunctual and Irregular attendance.—You were highly irregular in attending the office. From 1-1-1995 to 29-10-1996 you had availed sick leave and extraordinary leave for more than 300 days."

7. The management has examined six witnesses and marked 23 documents in the enquiry in support of the above charges against the workman. On the basis of these evidence, the Enquiry Officer found that the workman is guilty of all the charges. I have gone through the entire evidence available in Ext. M1 enquiry file and I do not find any reason to interfere with the findings of the Enquiry Officer. Since the findings of the Enquiry Officer are based on legal evidence in the enquiry, the same has to be upheld.

8. The next point to be considered is whether the punishment of dismissal meted out to the workman is proportionate to the gravity of the misconducts committed by him. The misconduct of unpunctual and irregular attendance alleged against the workman may not be so grave as to warrant the punishment of dismissal. The allegation levelled against the workman under this charge is that he had availed of sick leave and extraordinary leave for more than 300 days during the period 1-1-95 to 29-10-96. I do not think that this can be considered as a grave misconduct warranting the extreme punishment of dismissal from service.

9. However, there can be no doubt that the other charges viz. drunkenness, the disorderly and indecent behaviour etc. on the premises of the bank are serious misconducts. The workman had committed the said misconducts on several days. His misbehaviour towards the superior officers cannot also be tolerated. In the circumstance, it cannot be held that the punishment of dismissal meted out to the workman is excessive. In U.P. State Road Transport Corporation V/s. Subhash Chandra Sharma—2000 (1) LLJ 1117, the Supreme Court has refused to interfere with the punishment of dismissal as one of the charges was serious and that charge stood proved. In that case, the concerned workman in a drunken state along with a Co-worker went to the Assistant Cashier in cash room and demanded money from him and when he refused, the workman abused him and threatened to assault him. The Supreme Court observed that this is a serious charge of misconduct warranting the extreme punishment of dismissal. In the present case also, similar misconduct has been proved against the workman. Therefore, in any view of the matter there is no scope for any interference of this Tribunal in the matter of punishment meted out to the workman.

10. In the result, an award is passed holding that the action of the management of Catholic Syrian Bank Limited in dismissing Sri V. M. Abdul Salam, Peon with effect from 31-7-98 is justified and he is not entitled to any relief.

Dated this the 16th day of April, 2001.

B. RANJIT KUMAR, Industrial Tribunal

APPENDIX

Witnesses examined on the side of the management.

MW1—Sri Anto.

Witnesses examined on the side of the workman.

WW1—Sri Abdul Salam.

Documents marked on the side of the management.

Ext. M1—Enquiry File.

Ext. M2—Letter from V. M. Abdul Salam dated 22-9-1997 with covering letter of the Branch Manager dated 23-9-1997.

Documents marked on the side of the workman.

Nil

नई दिल्ली, 1 मई, 2001

का.अ. 1136:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.पी. स्टेट माइनिंग कॉर्पोरेशन लि. के प्रबंधन

के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[सं. एल-29012/11/84-डी-3 बी]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 1st May, 2001

S.O. 1136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.P. State Mining Corporation Limited and their workmen, which was received by the Central Government on 30-4-2001.

[No. L-29012/11/84-D-III B]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/96/84

Presiding Officer : Shri K. M. Rai.

The General Secretary,

Satna Stone and Lime Workers Union,

79/10, Krishna Nagar,

Satna.

..Applicant.

Versus

The Mines Manager,

M.P. State Mining Corporation Limited,

Rajendra Nagar,

Satna (MP).

..Non-applicant.

AWARD

(Passed on this 8th day of February, 2001)

1. The Government of India, Ministry of Labour vide order No. L-29012/11/84-D.III(B) dated 3rd November, 1984 has referred the following dispute for adjudication by this tribunal—

“Whether the action of the management of Madhya Pradesh State Mining Corporation Ltd., in relation to their Naro Hill Bauxite Mine, Satna in terminating the services of Shri Jagdish S/o Shri Ramkhilawan and Shri Rajni S/o Shri Motilal piece-rated workers, with effect from 24-1-83 is justified? If not, what relief are the workmen concerned entitled to?”

2. The workmen did not appear in the court on the date of hearing and therefore the case proceeded ex parte against them. The workmen have not produced any witnesses in support of their claim. In this way they have not been able to substantiate their claim as alleged in this case. In this way no dispute between the parties remains to be decided.

3. In view of the above said facts, it is held that no dispute exists between the parties and therefore the workmen are not entitled to any relief as claimed by them. In this way the reference is answered in favour of the management and against the workmen.

4. Copy of award be sent to the Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 1 मई, 2001

का.आ. 1137:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.एम.डी.सी. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/शम न्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[सं. एल-29012/5/97-आई आर (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 1st May, 2001

S.O. 1137.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of N.M.D.C. and their workman, which was received by the Central Government on 30-4-2001.

[No. L-29012/5/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

SIR SYED ABDULLAH., B.Sc., B.L.,
INDUSTRIAL TRIBUNAL-I, HYDERABAD.

Dated, 22nd day of March, 2001

Industrial Dispute No. 18 of 1997

BETWEEN

The President N.M.D.C.,
Staff Workers Union 31/C,
S. R. Nagar, Hyderabad.

.. Petitioner.

AND

The Managing Director,
National Mineral Development Corporation,
Khanij Bhavan,
Masab Tank, Hyderabad-500 028. .. Respondent.

APPEARANCES :

Sri G. Vidyasagar, Sri K. Udaya Sree, Sri P.
Sudheer Rao Advocates for the petitioner.

Sri K. Raghavacharylu Advocate for the respondent.

AWARD

The Government of India, Ministry of Labour made a reference to this Tribunal vide its order No. L-29012/5/97-IR(Misc.) Dated : NIL and received in this Office on 30th April, 1997 for adjudication of the following dispute between employer in relation to the Management of M/s. National Mineral Development Corporation and their workman.

"Whether the action of the Management of National Mineral Development Corporation, Hyderabad in dismissing Sri N.A. Sayeed, LDC Typist over alleged misconduct is justified? If not, to what relief the workman is entitled?"

2. This Tribunal passed orders on 17-8-98 holding that the domestic enquiry conducted by the management is vitiated, however the management was permitted to lead evidence in proof of the charges. Both the parties lead their respective oral and documentary evidence and the matter stood posted for hearing the arguments.

3. While so, on 22-3-2001 both the workman and the management represented by the counsels have filed a joint memo reporting settlement of the dispute under which Rs. 5 lakhs is paid by the management through a cheque bearing No. 064654, Dated : 17-3-2001 drawn on S.B.H., Branch, Hyderabad towards full and final settlement in lieu of reinstatement and back wages. The settlement was recorded in terms of agreement.

4. Thereby, an award is passed in terms of the settlement covered by the agreement which is appended to this award.

Given under my hand and the seal of this Tribunal on this the 22nd day of March, 2001.

SYED ABDULLAH, Industrial Tribunal

APPENDIX OF EVIDENCE

(After validity of domestic enquiry)

Witness examined for the petitioner

WW1 : N. A. Sayeed
after remand

Witness examined for the respondent

MW1 : G. V. Joshi

MW2 : B. Sen

MW3 : J. Narsinga Rao,

WM4 : V. Gopi Nathan

Documents marked for the petitioner

Ex. W1 : Certificate of the registration of the petitioner union.

Ex. W2 : Letter intimating the formation of the union.

Ex. W3 : Charter of demands.

Ex. W4 : Covering letter for Ex. W3 charter of demands.

Ex. W5 : Representation given by WW1 for transfer of S. L. Arora, Jr. Officer.

Ex. W6 : Another representation dated : 20-6-87

given by WW1 for transfer of S. L. Arora Jr. Officer.

Ex. W7 : Representation dated : 26-6-87 sent by WW1 regarding harrasment made to him.

Ex. W8 : Complaint dated : 26-6-87 made against B. Sen regarding assult on work.

Ex. W9 : Explanation dated : 8-10-87 given by WW1 to the memo dated : 11-9-87 charge-I.

Ex. W10 : Explanation dated 8-10-87 given by WW1 to charge sheet - II.

Ex. W11 : Explanation dated : 8-10-87 given by WW1 to charge-III.

Ex. W12 : Explanation dated 8-10-87 given by WW1 to charge-IV.

Ex. W13 : Representation dated : 2-11-87 made by WW1 to charge of E.O. & P.O.

Ex. W14 : Representation dated : 13-11-87 made by WW1 to furnish documents regarding charge memo dated : 11-9-87.

Ex. W15 : Representation made by WW1, regarding fairness of enquiry.

Ex. W16 : Representation made by WW1 regarding participate of WW1 in the 13-11-87 enquiry.

Ex. W17 : Representation dated 19-11-87 with regard to illegal irregularities of Enquiry Officer and Presenting Officer.

Ex. W18 : Representation to the Enquiry Officer dated : 20-11-87.

Ex. W19 : Booklet by the victimisation made by the management.

Ex. W20 : Representation given by WW1 to the management.

Ex. W21 : Reply dated : 30-4-88 submitted by WW1 to show cause notice.

Ex. W22 : Representation dated : 23-12-87 given to Enquiry Officer for supply of documents.

Ex. W23 : Representation to the management to charge of enquiry officer.

Ex. W24 : Representation to RLC (c) for conciliation of the matter.

Documents marked for the respondent

Ex. M1 : Report submitted by MW2 to the Management.

Ex. M2 : Complaint given by the MW3.

Ex. M3 : Deposition of MW4 in the enquiry.

Ex. M4 : Memorandum dated : 11-9-87 issued to WW1.

Ex. M5 : Memorandum dated 14-9-87 issued to WW1.

Ex. M6 : Memorandum dated 14-9-87 issued to WW1.

Ex. M7 : Show cause notice dated 7-4-88 issued to WW1.

Ex. M8 : Removal order dated 31-5-88 issued to WW1.

Ex. M9 : Order dated : 4-8-88 of the Appellate Authority.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL-I, HYDERABAD

I D. No. 18 of 1997

BETWEEN

N. A. Sayeed. . . Petitioner/Workman

AND

Chairman-cum-Managing Director,
National Mineral Development Corporation Ltd.,
Khanij Bhavan, Masab Tank
Hyderabad-500 028.

. . Respondent

JOINT MEMO FILED BY THE PARTIES

It is submitted that the parties have entered into settlement under Section 18(1) of Industrial Disputes Act. The terms and conditions of the settlement are as follows :

1. The petitioner-workman joined the respondent Corporation on 7-5-1977. He was placed under suspension on 27-8-1987 and his services were terminated on 30-5-1988. Aggrieved by the same an Industrial Dispute was raised. After protracted negotiations, the Management has agreed to pay a sum of Rs. 5,00,000 and the workman has agreed to receive the same for full and final settlement of his claim on the following terms :

2. The Respondent Management has agreed to pay a negotiated lump sum amount of Rs. 5.00 lakh (Rupees five lakh only) vide cheque bearing No. 064654 dated 17-3-2001 drawn on State Bank of Hyderabad, NMDC Branch, Hyderabad.

3. The Petitioner workman has agreed to receive the negotiated lump sum amount of Rs. 5.00 lakh (Rupees five lakh only) as full and final settlement of his case under adjudication.

4. On receipt of the amount of Rs. 5.00 lakh only, the Petitioner workman has agreed not to raise any claim for the service rendered with the respondent towards reinstatement, back wages or any other claim whatsoever.

5. The respondent Management has agreed to issue certificate under Section 89 of Income Tax Act, 1961 for tax relief for spreading the compensation.

6. The respondent Management has also agreed to issue "Service Certificate" for the service rendered by the Petitioner workman with the Respondent.

7. The petitioner hereby declares that he has no claim whatsoever against the respondent Management towards past or future claims.

It is therefore, prayed that the Hon'ble Court may be pleased to record the settlement and pass appropriate award.

Sd/-

Counsel for Petitioner
(for G Vidya Sagar)

Sd/-

Petitioner

Sd/-

Counsel for Respondent
(for K. Raghavacharyah)

Sd/-

Respondent

S. GURUSWAMI, Executive Director
(Personnel) N.M.D.C Ltd
Masab Tank, Hyderabad-500 028

नई दिल्ली, 1 मई, 2001

का प्र. 1138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुटीकोरिन पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोक्तों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायालय के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-4-2001 को प्राप्त हुआ था।

[स एन-44011/1/99-आई प्रार (एम)]
बी एम डेविड, अवर सचिव

New Delhi, the 1st May, 2001

S.O. 1138.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tuticorin Port Trust and their workman, which was received by the Central Government on 30-4-2001.

[No. L-44011/1/99-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Friday, the 30th March, 2001

PRESENT :

K. KARTHIKEYAN Presiding Officer
INDUSTRIAL DISPUTE NO. 174/2001
(Tamil Nadu Industrial Tribunal I.D. No.
183/1999)

BETWEEN

The General Secretary,
Port Workers Union,
Tuticorin ... Claimant/I Party.
1424 01/2001—18.

AND

The Chairman,
Tuticorin Port Trust,
Tuticorin. ... Management/II Party.

APPEARANCE :

For the Claimant. ... None
For the Management. ... Shri L. Subra
marinam and M. Sritam. Advocates

AWARD

The Government of India, Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 have referred the following dispute for adjudication vide order No. L-44011/1/99/IR(M) dated 24-8-1999 :—

“Whether the action of the management of Tuticorin Port Trust in denying promotion in the cadre of Fitter Highly Skilled Grade II to S/Shri A. Balingam, T. Perumalkhan and M. Peerkasim Mohideen is justified and legal? If not, to what relief the concerned workmen are entitled?”

This order of reference was first made to Tamil Nadu Industrial Tribunal by the Central Government. Ministry of Labour as an industrial dispute for adjudication and the same was taken on file by that Tribunal as I.D. No. 183/99. Subsequently, by the orders of the Government, this case has been transferred from the file of that Tribunal to this Tribunal and was taken on file as I.D. No. 174/2001.

2. This case was fixed on 30-3-2001, this date, as a final hearing after it has been adjourned to various dates from 22-01-2001, the date on which it was taken on file, on transfer. Though the counsel for II Party alone was present on various hearings of this case, neither the Claimant/I Party nor his counsel on record appeared and filed the Statement. There was no representation for the Claimant/I Party on all the dates of hearing i.e. on 05-02-2001, 20-02-2001, 08-03-2001, 20-03-2001 and this date of final hearing 30-03-2001.

3. From the perusal of records of this case, it is seen that the Claim Statement of the I Party/Claimant has not been filed, though the counsel on record for I Party/Claimant appeared by filing Vakalat on the first hearing

on 04-11-99 before the Tamil Nadu Industrial Tribunal and took time till this case was transferred to the file of this Tribunal on 17-01-2001. Since the Claimant/I Party, nor his counsel on record, though received the notice sent by Registered Post of this Tribunal, has not chosen to appear before this Tribunal and file his Claim Statement in this case. The non-filing of Claim Statement of the Claimant/I Party in this case ever since 04-11-99 leads this Tribunal to presume that at present there is no dispute between them and hence Claimant/I Party has not come forward to prosecute this case on behalf of the aggrieved workmen. Accordingly, 'No Dispute' award is passed.

(Dictated to the Stenographer and transcribed and typed by him and corrected and pronounced by me in the open court in this day, the 30th March, 2001).

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 8 मई, 2001

का.प्र. 1139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सुपर स्टार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 मई, 2001 को प्राप्त हुआ था।

[सं. एल-35011/9/99-आई प्रार (एम)]
बी.एम. डेविड, अधिवक्ता

New Delhi, the 8th May, 2001

S.O. 1139.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Super Star and their workman, which was received by the Central Government on 4-5-2001.

[No. L-35011/9/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NO. II.
MUMBAI

PRESENT :

S. N. SAUNDANKAR

Reference No. CGIT-2/70 of 2000

Employers in relation to the Management of
M/s. Super Star.
The Partner, M/s. Super Star,
Room No. 20, Chawl No. 249,
Opp. Jamalia Apartment,
Mumbai.

AND

Their Workmen

The President.
Goa Trade & Commercial Workers Union.
Belho's Building, 2nd Floor.
Opp. Municipal Garden.
Panjin, Goa.

APPEARANCES :

For the Employers No Appearance.

For the Workmen. :. Mr. Suhaas
Naik Representative.

Mumbai, dated the 27th March, 2001

AWARD

The Government of India, Ministry of Labour, by its Order No. L-35011/9/99/IR (M), dtd. 25-05-2000, have referred the following Industrial Dispute for adjudication to this Tribunal :—

"Whether the action of the management of M/s. Super Star Goa in not discussing the Charter of Demands dated 25-3-1999 raised by the Goa Trade and Commercial Workers Union, Goa, is legal and justified? If not, to what relief the workmen are entitled?"

2. On receipt of the reference this Tribunal issued notices to the union and the management. In response to that, the union appeared before this Tribunal. Notice was not served on the management for want of correct address. However, the union vide-purhis (Exhibit-9) dated 23-1-2001 apprised that the union does not want to proceed

with the matter. Therefore the following order is passed :—

ORDER

The reference stands disposed off for non-prosecution vide purshis (Exhibit-9).

S. N. SAUNDANKAR, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2. MUMBAI

Ref. No. CGIT-2/70/2000

Employers in Relation to the,
Management of,
M/s. Super Star.

AND

Their Workmen

MAY IT PLEASE YOUR HONOUR

In the above matter the workmen of M/s. Super Star were being represented by the union namely Goa Ind. & Com-worker Union. However in between all the workmen have disappeared from the above shipyard and their whereabouts are not known, nor the workmen have contacted the union representative till date.

As such due to lack of communication from workers the union is unable to proceed with the matter.

It is, therefore, prayed that the necessary order be passed in terms of above statement of union.

Date : 23-01-2001.

Murmugao—Goa :

SUHAAS NAIK, Secy.

Goa Trade of Com. Workers Union

मई दिल्ली, 8 मई, 2001

का प्रा 1140 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एम पी स्टेट माइनिंग कॉर्पोरेशन के प्रबंधन के सबख नियोजकों और उनके कर्मचारों के बीच, अनुबंध से निविष्ट औद्योगिक विवाद से केन्द्रीय सरकार, औद्योगिक अधिकरण/अस न्यायालय जबलपुर के पचाट को प्रकशित करती है, जो केन्द्रीय सरकार को 4 मई, 2001 को प्राप्त हुआ था।

[स. एल-29013/1/80-डी. III] की

बी. एम. डेविड, अवर सचिव

New Delhi, the 8th May, 2001

S.O. 1140.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.P. State Mining Corporation and their workman, which was received by the Central Government on 4-5-2001.

[No. L-29013/1/80-D-III. B.]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC/R/28/81

PRESIDING OFFICER : Shri K. N. Rai,
The General Secretary,
Satna Stone and Lime Workers Union,
79/10, Krishna Nagar, Satna. ... Applicant.

Versus

The Manager,
Babmore Lime Stone Nubem,
M.P. State Mining Corporation,
Satna. ... Non-applicant.

AWARD

Passed on this 8th day of February, 2001

1. The Government of India, Ministry of Labour has referred the following dispute for adjudication by this tribunal :—

“Whether or not the wages paid to the workers of Babmore Lime Stone Mine of MP State Mining Corporation at Sitpura District Satna are fair and reasonable. In either case to what relief are these workers entitled to and in what form?”

2. Neither the workman nor their representative appeared in the court when the case was called on for hearing. Hence proceeded ex-parte against them. The workman had not been able to establish their claim by educing evidence in respect thereof. In view of this fact, no dispute between the parties exists.

3. In view of the foregoing reasons No Dispute Award is passed. The workmen are not entitled to any relief as claimed by them. In this way the reference is answered in favour of the management and against the workman.

4. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, President Officer

नई दिल्ली, 8 मई, 2001

का. मा. 1141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.पी. स्टेट मीनिंग कॉर्पोरेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में, विविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम बाबालब, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 मई, 2001 को प्राप्त हुआ था।

[सं. एल-29013/1/80-बी III बी]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th May, 2001

S.O. 1141.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M.P. State Mining Corporation and their workman, which was received by the Central Government on 4-5-2001.

[No. L-29013/1/80-D.III.B]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC/R/4/84

PRESIDING OFFICER : Shri K. N. Rai.

Shri R. K. Gupta,

Hospital Road, Satna. Applicant.

Versus

The Manager,
M.P. State Mining Corporation Ltd.,
E-1/87, Arera Colony, Bhopal.

The Manager,
M.P. State Mining Corporation,
Bambore Lime Stone Mines,
Rajendra Nagar, Satna. Non-applicant.

AWARD

Passed on this 12th day of March, 2001

1. The Government of India, Ministry of Labour vide order No. L-29013/1/90-D.III.B has referred the following dispute for adjudication by this tribunal :—

“Whether or not the wages paid to the workers of Bambore Lime Stone Mine of MP State Mining Corporation at Sitpura District Satna are fair and reasonable. In either case to what relief are these workers entitled and in what form?”

2. The workman did not appear in the court on the date of hearing and therefore the case proceeded

ex-parte against him. No dispute between the parties exists.

3. In view of the above said facts, it is held that no dispute exists between the parties and therefore the workman is not entitled to any relief as claimed by him. In this way the reference is answered in favour of the management and against the workman.

4. Copy of award be sent to Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 8 मई, 2001

का. मा. 1142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में आनन्द सेल्स कार्पोरेशन, कोटा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में विविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम बाबालब, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 मई, 2001 को प्राप्त हुआ था।

[सं. एल-29011/1/95-आई धार (एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 8th May, 2001

S.O. 1142.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Anand Sales Corporation, Kota and their workman, which was received by the Central Government on 4-5-2001

[No. L-29011/1/95-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

ब.बाधीश, औद्योगिक ब.बाधिकरण केन्द्रीय/कोटा/राज०/पीठासीन अधिकारी श्री महेश चन्द्र भगवती, धार. एच. जे. एस.

निर्देश प्रकरण क्रमांक : धौ. बा./केन्द्रीय/16/95

दिनांक स्थापित : 19/6/95

प्रसंग भारत सरकार, अम मंत्रालय, नई दिल्ली के प्रादेश क्रमांक एल-29011/1/95-आई धार.

(विविध) दिनांक 9-6-95

निर्देश अस्तंगत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

महब

राष्ट्रीय नजदूर संघ (इष्टक) रामगंज मण्डी, जिला-कोटा।

—प्रार्थी श्रमिक युनियन

एवं

श्री गुरचरण सिंह धामन्ध, मानिक मैसर्स धामन्ध सेल्स कारपोरेशन, कोटा।
—अप्राप्ति नियोजक

उपस्थित

प्राप्ति अधिक यूनियन की ओर से प्रतिनिधि—

श्री सतीश पचोरी

अप्राप्ति नियोजक की ओर से प्रतिनिधि—

श्री डी. सी. जैन

अधिनिर्णय दिनांक 1-3-2001

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपनी उक्त अधिसूचना दि. 8-6-93 के जरिये निम्न निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा।) की धारा 10(1)(घ) के अन्तर्गत इस बाधाधिकरण को अधि-निर्णय सम्प्रेषित किया गया है —

"क्या प्रबन्धन श्री गुरचरण सिंह धामन्ध मैसर्स धामन्ध सेल्स कारपोरेशन, कोटा द्वारा उनकी लाईम स्टोन खान सराबहवा में कार्यरत कर्मचारियों को लेखा कर्ष 1993-94 में न्यूनतम बोनस से अधिक दर पर बोनस भुगतान करने की कार्यवाही उचित एवं निष्पक्षानुसार है? यदि नहीं तो कर्मकार कितने प्रतिशत बोनस प्राप्त करने के हकदार हैं?"

2. निर्देश/विवाद बाधाधिकरण में प्राप्त होने पर पक्षीकृत उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी जिस पर दोनों पक्षों की ओर से अपने-अपने प्रभाववेदन प्रस्तुत किये गये तथा प्राप्ति अधिक यूनियन की ओर से सादर में शपथपत्र प्रस्तुत किया गया।

3. आज पक्षावली वारंते प्रतिपरीक्षा प्राप्ति यूनियन निश्चित है, परन्तु स्वयं प्राप्ति अधिक यूनियन की ओर से मसी श्री रामगोपाल गुप्ता मज अधिकृत प्रतिनिधि श्री सतीश पचोरी एवं अप्राप्ति नियोजक की ओर से प्रबन्धक राकेश जोशी मज अधिकृत प्रतिनिधि श्री डी. सी. जैन ने बाधाधिकरण में उपस्थित होकर एक संयुक्त प्रार्थना-पत्र के साथ समझौता-पत्र प्रस्तुत कर यह निवेदन किया कि चूंकि दोनों पक्षों के मध्य लम्बित निर्देश विवाद के संबंध में लोक न्यायालय की भावना से प्रेरित होकर आपसी समझौता सम्पन्न हो गया है तथा अत्र समझौते उपरान्त पक्षकारों के बीच किसी प्रकार का कोई विवाद भोज नहीं रहा है, अतः समझौते के आधार पर निर्देश विवाद को अन्तिम रूप से अधिनिर्णित कर दिया जावे। पक्षकारों के मध्य जिन शर्तों पर समझौता सम्पन्न हुआ है उसका विस्तृत विवरण समझौते-पत्र में अंकित किया हुआ है।

4. प्रस्तुतगुदा समझौते-पत्र को पक्षकारों को पढ़कर सुनाया व समझाया गया जो उन्होंने सही होना स्वीकार किया तदुपरान्त समझौता तस्वीक कर अभिलेख पर लिखा गया। चूंकि दोनों पक्षों के मध्य लोक न्यायालय

की भावना से लम्बित निर्देश/विवाद के सम्बन्ध में आपसी समझौता सम्पन्न हो गया है और अब कोई विवाद भोज नहीं रहना प्रकट किया गया है, अतः प्रस्तुतगुदा समझौते के आधार पर लम्बित निर्देश-विवाद को तबनुसार ही अधिनिर्णित कर उत्तरित किया जाता है।

महेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 8 मई, 2001

का घा 1143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार ई.एस.आई.सी. के प्रबंधन के सबब नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 मई, 2001 को प्राप्त हुआ था।

[सं.एस-15012/3/90-आई और (एम)]

बी.एम. डेविड, चयन सचिव

New Delhi, the 8th May, 2001

S.O. 1143.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management ESIC and their workman, which was received by the Central Government on 4-5-2001.

[No. L-15012/3/90-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case No. CGIT/LC/R/82/91

PRESIDING OFFICER · Shri K. N. Rai.

Shri Ramnath,
S/o Mhasuji Mungabhalhā, ... Applicant

Versus

Employees State Insurance Corporation,
through the Joint Regional Director-I/C,
Sub-Regional Office,
Nagpur. ... Non-applicant.

AWARD

Passed on this 7th day of March, 2001

1. The Government of India, Ministry of Labour vide order No. L-15012/3/90-IR(Misc) dated 19-4-91 has referred the following dispute for adjudication by this tribunal:—

"Whether the termination order issued by the Regional Director, Employees State Insurance Corporation, Bombay dated 17-5-85 effective from 30-1-85 in respect of Shri

R. M. Mungi Balhal, LDC of Employees State Insurance Corporation, Nanded is justified and legal? If not, to what relief the workman is entitled?

2. The case for the workman is that he was employed as temporary LDC by the management on 13-8-82. He was posted in the management's local office at Nanded, Maharashtra. He was illegally terminated by the management w.e.f. 30-4-85. He continuously worked with the management w.e.f. 13-8-82 to 30-1-85. Thereafter his services were continued upto 30-4-85. At the time of appointment, he was assured by the officers of the management that he would be regularised in due course of time. He was regularly paid his salary as other employees were being paid according to payment register. For regularisation he appeared in the test on 13-3-83 but could not succeed. After the termination of his services he requested the management for re-employment, but to no effect. The order of termination of service passed by the management is absolutely illegal and deserves to be quashed. He is entitled to reinstatement with back wages.

3. The case for the management is that the workman was appointed temporarily as LDC on 13-8-82 on the basis of interview held on 5-4-82. He was posted at local office, ESI Corporation, Nanded. In terms of provisions of Regulation 21(2) of the ESI Corporation (Recruitment) Regulations, 1965 filling up the regular post of LDC against direct quota is made through open competitive examination. The workman was given chance to appear for the open competitive examination on 13-3-83 and 12-8-84. He could not qualify in both the test and therefore as could not be appointed as LDC on regular basis. The workman could not qualify in the test and therefore his services were terminated w.e.f. 30-4-85. In view of all these facts, the termination order passed by the management against the workman is legal which do not require any interference.

4. The following issues arise for decision in this case :—

1. Whether the termination order passed by the management dated 30-1-85 resulting in terminating the services of workman is just and proper.
2. Whether the workman is entitled to reinstatement with back wages?
3. Relief and costs?

5. Issues Nos. 1 & 2 : It is an admitted fact that the workman was appointed as LDC on adhoc basis for a fixed period. In each span of appointment, the workman was given a fixed term and on each occasion, fresh appointment was given to him. He was also given two opportunities to appear in the test for regularisation as LDC but he could not succeed. In the event of his failure in the test, his term of appointment was not renewed after 27-4-85.

6. The Employees State Insurance Corporation has framed ESI Corporation Recruitment (Regulations) 1965 for appointment to various posts and this regulation has a force of law. The procedure laid down for the regular appointment to a particular post must be strictly followed. The relevant provisions of ESI

Corporation Recruitment Regulations, 1965 are as under :

1. Recruitment shall be made by either or both of the following methods :
 - (a) by open competitive examination ;
 - (b) selection by a Departmental Committee.
2. Recruitment to the following category of posts shall be made by open competitive examinations :
 - (a) Managers, Grade II and Insurance Inspectors (all candidates shall initially be appointed as inspectors);
 - (b) Technical assistant ;
 - (c) Hindi Assistant ;
 - (d) Personal Assistant ;
 - (e) Stenographers ;
 - (f) Lower division clerk/Adrema operators/ computer/telephone operator.

Provided that an interview by a Departmental Committee may be held in respect of recruitment to such categories of the posts as the Director General may from time to time specify. Only candidates who qualify in the written test shall be called for interview.

7. The aforesaid regulation makes it mandatory to clear the written test conducted by the Corporation for selection to the post of LDC. If the candidate does not clear the test he cannot claim a right to the post. In the instant case, the workman was given two opportunities to clear the test for regular appointment to the post of LDC, but he could not succeed. In such circumstance, at this stage he cannot claim the regular appointment to the post of LDC for which he was given ad hoc appointment for fixed period of time. He was required to clear the written test as laid down in the recruitment rules. In the case of failure in the written test he cannot claim to be regularised to the post of LDC. The management had given him ample opportunity to clear the written test for getting regular appointment as per recruitment rules. It was the duty of workman to clear the written test but he could not succeed. In such a circumstance, he cannot claim the regularisation to the post of LDC as a matter of right.

8. In the instant case, it cannot be held that the workman was retrenched from service. His case is not covered under the definition of retrenchment as laid down in Sec-2(oo) of I.D. Act, 1947. The management was fully justified in not renewing his term of appointment as well as in giving him regular appointment to the post of LDC as claimed by him. Hence he is not entitled to reinstatement with back wages. Issues No. 1 & 2 are answered accordingly.

9. Issue No. 3.—In view of my findings, given on Issue Nos. 1 & 2, the workman is not entitled to any relief as claimed by him in this case. His termination is just and proper. He cannot claim reinstatement.

ment with back wages. The reference is accordingly answered in favour of the management and against the workman.

10. Copy of the award be sent to the Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 10 मई, 2001

का.ग्रा. 1144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अथवा न्यायालय चैन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-2001 को प्राप्त हुआ था।

[सं. एल-36012/3/97-आई.प्रार. (एम.)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 10th May, 2001

S.O. 1144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Madras Port Trust and their workman, which was received by the Central Government on 9-5-2001.

[No. L-36012/3/97-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 30th March, 2001

PRESENT :

K. KARTHIKEYAN, Presiding Officer.
Industrial Dispute No. 473/2001

(Tamil Nadu Industrial Tribunal I.D. No. 14/98)

BETWEEN

The General Secretary,
Dr. Ambedkar Port Trust and
Dock Labour Employees Union. ... Claimant/Party

AND

The Chairman,
Madras Port Trust. ... Management/II Party

APPEARANCE :

For the Claimant.—S/Shri K. Raja and K.
Marinath, Advocates.

For the Management.—M/s. Iyer and Dolia,
Advocates.

REFERENCE :

Order No. L-36012/3/97-IR(Misc.) dt. 31st
December, 1997, Government of India,
Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on to-day, the 30th March, 2001 for deciding the industrial dispute between the parties referred to in the Schedule. As a transferred case from the Tamil Nadu Industrial Tribunal, change of vakalat for the Management is filed by M/s. Iyer & Dolia, Advocates. Both the parties to the proceedings are not present. In the absence of counsel for the I Party/Claimant, there is no representation for them.

AWARD

This dispute on coming up before me for final exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947, have referred the following dispute for adjudication vide Order No. L-36012/3/97-IR(Misc.) dated 31-12-97 :

"Whether the demand of Dr. Ambedkar Madras Port Trust and Dock Labour Board Employees for promotion to S/Shri C. Pandian, K. Deenadayalan, P. Sridhar and K. Dakshinamurthy from Lascar Gr. II to Lascar Gr. I based on their original seniority in the Lascar Gr. II on the basis of their date of joining against the Management of Madras Port Trust is justified? If so, to what relief the workmen are entitled?"

2. This case, originally referred to the Tamil Nadu Industrial Tribunal for adjudication by the above said reference of Central Government was taken on file there as I.D. No. 14/98. After issuance of notice to either parties, they appeared before that Tribunal through their counsel and after granting time periodically on request by the I Party/Petitioner ever since 25-8-1998, the I Party had filed their Claim Statement only on 19-7-99. Later, after getting so many extension of time on request, the II Party/Management have filed their Counter Statement before that Tribunal on 31-1-2000. Later, as per the orders of transfer passed by the Central Government, this case was transferred from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal in the last week of January, 2001. On receipt of records of this case from that Tribunal, the case was taken on file as I.D. No. 473/2001 on 14-2-2001. Notices were ordered to the counsel on either side, informing them about the transfer of this case to the file of this Court from the Tamil Nadu Industrial Tribunal, with a direction to appear before this Court with their respective parties to prosecute this case further on the appointed dated on 2-3-2001. On that day, neither the counsel on record nor the parties on either side were present and hence fresh notice was ordered to be sent to both the parties direct by Registered Post with acknowledgement card for the hearing 16-3-2001. On 16-3-2001, the counsel representing the II Party/Management alone was present. No one from the I Party/Union was present inspite of the notice sent by Registered Post to the I Party was served for hearing on 16-3-2001. There was no representation to the I Party on that day, hence

the case was adjourned to 30-3-2001, this day for the I Party to appear before this Court for enquiry and proposed counsel for the II Party to file Vakalat.

3. When the matter was taken up today, M/s. Iyer and Dolia, Advocates filed their vakalat as change of vakalat for the Management/II Party. Today also both the parties are not present. The counsel for I Party/Claimant also not present. There is no representation on the side of the I Party. In spite of registered notice sent by this Tribunal, first to the counsel on record and next to the I Party/Claimant direct on record and they were duly served as per the postal acknowledgement, neither the I Party/Claimant, nor the counsel on record is present today to prosecute this case, though, it is posted as a last chance for them to appear and proceed with enquiry.

4. The non-appearance of the I Party/Claimant in spite of receipt of notice by the Registered Post enables this Tribunal to conclude that the I Party/Claimant is disinclined to prosecute this dispute, due to non-existence of any dispute with the II Party with regard to the aspect mentioned as a dispute as referred to in the Schedule of Reference. Hence, this reference is closed and this Industrial Dispute is dismissed for non-prosecution and default.

5. In the result, 'no relief' award is passed. No Cost.

(Dictated to the Stenographer, transcribed and typed by him and corrected and pronounced by me in the open court on this day, the 30th March, 2001.)

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 10 मई, 2001

का. प्र. 1145.—औद्योगिक विवाद प्रचलियन, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक प्रतिकरण/अभिव्यक्तियों के पक्ष को प्रकाशित करती है, जो केन्द्रीय सरकार का 9-5-2001 को प्राप्त हुआ था।

[स. एल-33012/1/84-आई. प्रार. (प्रम.)]

बी.एम. डेविड, उपर सचिव

New Delhi, the 10th May, 2001

S.O. 1145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Madras Port Trust and their workman, which was received by the Central Government on 9-5-2001.

[No. L-33012/1/84-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Tuesday, the 24th April, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.
Industrial Dispute No. : 380/2001

(Tamil Nadu Industrial Tribunal I.D. No. 184/94)

BETWEEN

Shri A. Ramaswamy
Chennai.

Petitioner/I Party.

AND

The Chairman,
Madras Port Trust, Chennai : Management/II Party

APPEARANCE :

For the Petitioner : M/s. A. L. Natarajan and
K. Ramaswamy, Advocates.

For the Management Sri. R. Arumugam, Advocate.

Reference :

Order N. L-33012/1/84-A/IR(Misc.) dt. 3-10-94,
Government of India, Ministry of Labour,
New Delhi.

This dispute on coming up before me for final hearing on 9-3-2001, upon perusing the reference, Claim Statement, Counter Statement and other material papers on record, the documentary evidence let in on either side and upon perusing the written arguments filed by the counsel for the I Party/Claimant Sri A. L. Natarajan and the written notes of arguments filed by the counsel for the Management/II Party Sri R. Arumugam and this dispute having stood over till this date for consideration, this Tribunal passed the following :—

AWARD

This reference by the Central Government in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 in respect of dispute between Sri. A. Ramaswamy, Workman and the Chairman, Madras Port Trust, Chennai, Management, mentioned as schedule appended to the order of reference :—

The Schedule reads as follows :—

"Whether the action of the management of Madras Port Trust in discharging Sri. A. Ramaswamy with effect from 6-3-1970 is justified? If not, to what relief the workman is entitled?"

This order of reference was first made to Tamil Nadu Industrial Tribunal by the Central Government, Ministry of Labour as an industrial dispute for adjudication by that Tribunal. The same was taken on file there as I.D. No. 184/94. That Tribunal has sent notices to both parties to appear and to file their respective Claim and Counter Statement. On receipt of notice from that Tribunal, both the parties appeared before that Tribunal and filed their Claim Statement and Counter Statement with documents respectively. When the matter was taken up for enquiry there, by the consent of counsel on either side, documents on either side were marked as exhibits

W1 to W10 and M1 to M4. Then counsel on either side filed their respective written arguments. At this stage, as per orders of transfer passed by the Central Government, this industrial dispute has been transferred from the file of the Tamil Nadu Industrial Tribunal to the file of this Tribunal for adjudication. On receipt of records of this case on transfer from Tamil Nadu Industrial Tribunal, this case has been taken on file as Industrial Dispute No. 380/2001 on 2-2-2001 and notices were ordered to be sent to counsel on either side informing them about the transfer of this case to this Tribunal and to appear before this Tribunal for hearing on 19-2-2001. On 19-2-2001, the I party/Workman was present and filed a petition requesting adjournment. The counsel for the II Party was present. As per the request of the I Party the enquiry for this case was adjourned to 9-3-2001 for the counsel on record for either side to advance further arguments, if any, in this case on the respective sides. On 9-3-2001, counsel on either side appeared and informed this Court that they have no further arguments to advance except what they have filed already by way of written arguments in this case when it was pending before the Tamil Nadu Industrial Tribunal, hence this case was adjourned from that date to this date for passing orders.

2. The averments in the Claim Statement of the I Party/Claimant are briefly as follows :—The I Party/Workman/Claimant (herein after referred to as petitioner) was employed on and from 17-2-1961 as a Mazdoor in the mechanical department of the II Party/Management (hereinafter referred to as Respondent). The Petitioner was provided with token No. 13859. In the year 1969, he was made permanent with basic monthly salary with other allowances and his token number has been changed as T. No. 4215. From 6-3-1970, his services was terminated. Thereafter he made several representations written and oral as well before the department authorities. After a long time he received a reply dated 7-5-1975 on behalf of the Respondent, wherein it was stated that he was discharged from the Trust's service on 6-3-1970, due to completion of work and there was no suitable vacant post to be offered to him in that Trust. Actually he worked in the mechanical department of the Respondent not on the basis of any contract but as Mazdoor on the permanent basis. Therefore, he approached the department officials of the Respondent at frequent intervals to represent the matter seeking re-employment. As the matter was being dragged on and all his efforts for getting re-employment rendered in vein, he issued a legal notice dated 11-7-83 to the Respondent for his reinstatement. The Chief Engineer of the Mechanical Department of the Respondent had sent a reply dated 1-9-83, stating that he was discharged from Trust's service with effect from 6-3-1970 on disciplinary grounds and the question of his reinstatement would not arise. As all his sincere attempts for several years to get reinstatement proved futile he raised industrial dispute by his application dated 2-11-83 before the Assistant Labour Commissioner (Central) for conciliation proceedings. On failure of conciliation, the Assistant Labour Commissioner has sent a report to the Government dated 11-2-84. Subsequently the Government decided not to refer this dispute for adjudication to the Tribunal because it had found that the casual workman in this dispute was discharged from service on disciplinary ground from 6-3-1970

due to negligence in watch duty under the standing orders of Port Trust apart from the fact that the dispute has been raised after a lapse of about 13 years without any plausible reason. Then the Petitioner filed a Writ Petition in W.P. No. 12218/1984 before the Hon'ble High Court. The High Court was pleased to pass an order dated 24-6-94 directing the Government to refer the matter as an industrial dispute in accordance with the provisions of Section 4 of Industrial Disputes Act. Then the Government was pleased to refer the matter to the Tribunal for adjudication.

3. The Respondent has taken three different conflicting stands regarding the removal of Petitioner from service. In the first reply to the Petitioner letter, the Respondent informed him that he was retrenched from service because the work had been completed and there is no suitable post to be offered to him in the Trust. But in the subsequent letter dated 1-8-93, the Respondent changed his stand and stated that the Petitioner had been removed from service on disciplinary grounds. As the orders cited two different reasons for the removal of Claimant from service, the removal cannot stand on the test of law and hence the Petitioner is entitled to reinstatement, back wages and continuity of service. The Respondent contended in the Counter Statement filed in the Writ Petitioner No. 12289/84 that the Petitioner was discharged from service on disciplinary grounds on 6-3-1970 under clause 42(a) and 42(e)(1) of the Standing Orders of the Port Trust of India, as per the memo of Chief Engineer dated 5-3-1970 due to negligence in watch duty which resulted in the theft of welding cables at S & A Yard on 24-5-1969. Even if such allegation of negligence on watch duty has not any ground the alleged dismissal from service could not be proper, it is illegal. Hence, this Tribunal may be pleased to reinstate the Claimant with all back wages since the date of termination of service and continuity of service.

4. The averments in the Counter Statement of the II Party/Management are briefly as follows :—The claim made by the Petitioner is a stale one and hence, the dispute is liable to be dismissed in limine. The Petitioner was discharged on disciplinary grounds by an order dated 5-3-70. The Petitioner admittedly raised this dispute only in November 1993. The records relating to the Petitioner including the relevant file relating to disciplinary action taken against the Petitioner were destroyed in normal course. In fact the Respondent vide letter dated 17-1-84 informed the Assistant Labour Commissioner (Central II) about the non-availability of records relating to the Petitioner at the distant date. The Petitioner having stepped over the matter or more than 13 years it is not now open to the Petitioner to blame the Respondent. The Petitioner was purely engaged as a casual mazdoor on daily rated wages from 17-2-1961 with several breaks. As he worked as casual mazdoor, his case was considered and he was appointed on 15-7-1969 as a temporary mazdoor on fixed pay of Rs. 70 per mensem with all allowances as admissible for a period upto 31-12-1969 subject to review thereafter or earlier as may be necessary. His temporary appointment on fixed pay was further extended for a period of six months with effect from 1-1-1970 subject to review thereafter or

earlier as may be necessary. The petitioner was posted to watch duty on 24-5-1969 during 22.00 hours to 06.00 hrs shift at S & A Yard and due to his negligence in watch duty, resulted in theft of welding cables. Therefore, he was discharged from Trust Service by an order dated 5-3-70 on disciplinary grounds with effect from 6-3-1970 (Afternoon), under Clause 42A (2) and 42(C) (1) of Standing Orders of Port Trust of India. The Petitioner did not challenge the said order. In the year 1975 he gave a petition and the Respondent sent a reply to that Petition. Even after receipt of the reply the Petitioner did not raise any dispute. Then in 1983 i.e. after a period of 13 years take up the closed matter once again by sending a representation for re-appointment. The respondent replied to the representation then itself. It is incorrect to state that after his termination he made several representations written and oral. He did not make any representation in between 1970 to 1974. It is incorrect to state that he worked as mazdoor on permanent basis. The earlier communication of the Respondent stating the reason, for the termination of work of Petitioner as the work has been completed and there is no suitable post to be offered was given by oversight. The Petitioner cannot take advantage of the reason given in the earlier communication. He is not entitled for reinstatement, back wages or continuity of service. Hence, it is prayed that the Hon'ble Court may be pleased to dismiss the above dispute rejecting the order of reference.

5. The Point for my consideration is "Whether the action of the management of Madras Port Trust in discharging Sri. A. Ramaswamy with effect from 6-3-70 is justified, if not to what relief the Workman is entitled."

Point :—It is admitted that the Petitioner Sri. A. Ramaswamy was engaged by the Respondent/Management as a casual mazdoor on daily rated wages from 17-2-1961. It is the averment in the Counter Statement that though he was working as casual mazdoor from 17-2-1961 with several breaks, his case was considered as a temporary mazdoor on fixed pay of Rs. 70 per mensem with all allowances as admissible for a period upto 31-12-69, subject to review thereafter or earlier, as may be necessary. The allegation in the Claim Statement that in the year 1969, the Petitioner's employment because permanent has not been admitted in the Counter Statement of the Respondent but would say that Petitioner's temporary appointment on fixed pay was further extended for a period of six months with effect from 1-1-70, subject to review thereafter or earlier as may be necessary. This averment in the Counter Statement of the Respondent has not been denied by way of any reply statement. Further it is averred in the Counter of the Respondent that the Petitioner was posted to watch duty on 24-5-69 during 22.00 hrs. to 06.00 hrs. shift at S & A Yard and due to his negligence in watch duty resulted in the theft of welding cables and therefore, he was discharged from the Trust service by an order dt 5-3-70 on disciplinary grounds with effect from 06-3-1970 (Afternoon) under Clause 42A(ii) and 42C(i) of the Standing Orders of the Port of Madras. The same is admitted by the Petitioner in his Claim Statement stating that from 6-3-70 his service was terminated. Nothing has been stated in the Claim Statement as to why the Petitioner's ser-

vices were terminated by the Respondent/Management from 6-3-70. Further the allegation in the Counter of the Respondent that due to his negligence in watch duty in the night shift on 24-05-1969, theft of welding cables was resulted has not been denied by way of any reply statement. Ex. W1 is the xerox copy of permit to enter the harbour of Madras Port Trust issued to the Petitioner. Ex. W2 is the xerox copy of the card issued to the Petitioner to avail free medical services under rules applicable to him. Ex. W3 is the wage slip given to the Petitioner for the month of February. Ex. W4 is the xerox copy of the typed order dated 7-5-1975 issued to the Petitioner by the Madras Port Trust informing him that he was discharged from Trust service on 6-3-1970, due to completion of work. Ex. W5 is the xerox copy of the typed communication to advocate of the Petitioner by the Madras Port Trust Chief Mechanical Engineer dated 1-9-83 informing the advocate as reply to his letter dated 27-7-83 stating that the Petitioner was discharged with Trust's service with effect from 06-03-1970 (AN) on disciplinary grounds. W6 is the xerox copy of failure of conciliation report sent by the Assistant Commissioner, Central-II, Madras to the Government. W7 is the xerox copy of the letter dated 9-8-84 sent by the Ministry to the Chairman, Madras Port Trust and the Petitioner stating that the Central Government has decided not to refer the matter for adjudication to the Industrial Tribunal. W8 is the xerox copy of affidavit of the Petitioner filed in Writ Petition No. 12218 of 1984. W9 is the xerox copy of Counter affidavit filed by the Management in that Writ Petition. W10 is the xerox copy of the order passed by the Hon'ble High Court in that Writ Petition No. 12218 of 1984. It is admitted that the industrial dispute raised by the Petitioner before the Assistant Commissioner, Central II, Madras, or conciliation ended in failure and the conciliating authority submitted the failure of conciliation report to the Government and the Government had decided not to refer the matter to the Industrial Tribunal for adjudication. It is also admitted that pursuant to communication by the Central Government of the Petitioner, he preferred a Writ Petition before the Hon'ble High Court and in that Writ Petition, the High Court was pleased to direct the Central Government to draw a reference of the industrial dispute and place it before the Tribunal for adjudication. All these facts are seen from the documents exhibited from W6 to W10. Ex. M1 is the xerox copy of the service sheet of the Petitioner and Ex. M2 is the xerox copy of the notice sent by the advocate of the Petitioner to the Administrative Officer of the Madras Port Trust. Ex. M3 is the xerox copy of the reply sent by the Chief Mechanical Engineer to the advocate, who sent legal notice. Ex. W5 is the type-written xerox copy of the Ex. M3. Ex. M4 is the extract of procedure of recording of files by the Respondent. The learned counsel for the Petitioner would argue that two different reasons were given by the Management for terminating the services of the Petitioner. Under Ex. W4, it is stated that the Petitioner was informed that he was discharged from the Trust's service on 6-3-1970 due to completion of work, as there was no suitable vacant post to be offered to him in the Trust and under letter sent by Secretary, Madras Port Trust to the Petitioner dated 7-5-1975 in reply to his petition dated 26-3-75 addressed to the Chairman but in Ex. W5, the reply given by the Chief

Mechanical Engineer to the advocate of the Petitioner on receipt of legal notice, it is mentioned that the Petitioner was discharged from the Trust's service with effect from 6-3-1970 (Afternoon) on disciplinary grounds and the question of reinstatement will not arise. On the basis of two different reasons given by the Management under two different communications, the learned counsel for the Petitioner would contend that it proves the illegality of the termination. Though it is stated in the counter that on the basis of the disciplinary action taken by the Management for the misconduct of the Petitioner, he was removed from service, no reasonable opportunity was given to the Petitioner to disprove the alleged misconduct. Further the alleged negligence on watch duty taken to be a ground for dismissal from service would not be proper. Hence, the termination of service of the Petitioner is illegal and unlawful. He would further contend that it is incorrect to state that after a period of thirteen years, the Petitioner has racked up the closed matter once again by sending his representation for reappointment. After he was terminated from service on 6-3-1970, the Petitioner made several representations written as well as oral before the authorities and he received a reply dated 7-5-95 after a long time. Subsequently, he has taken necessary steps before the authorities and having failed in that attempt, he preferred a Writ Petition before the High Court and got an order for reference of the dispute by the Central Government to the Tribunal. He would further contend that only in the letter of the Respondent in the year 1983, the stand of the Respondent has changed for removal of the Petitioner from service on disciplinary grounds and steps were taken by the Petitioner before the authorities in the year 1984 raising this as an industrial dispute for conciliation and ultimately, proceedings were there till the Hon'ble High Court decided the matter in Writ Petition in the year 1994 by directing the Government to refer the matter for adjudication and hence the delay is not due to the Petitioner.

6. The learned counsel for the Petitioner would further argue that the service sheet said to have been maintained by the Port Trust and it is only in the form of a sheet and not a bound book or a permanent record, so changes can be made only by scoring out the earlier entry. Further, there is no serial number too for the said sheet, which only goes to prove that the said sheet can be created by the Management afresh as and when it is required. Hence, Ex. M1 cannot be relied upon, in view of the different stand taken by the Management under two different communications Ex. W4 and W5 in respect of termination of service of the Petitioner. Further the reason given in the communication in Ex. W4 is that the Petitioner was terminated from service because of completion of work and there was no suitable vacant post to be offered to him in the Trust. If that is true, it should have been found place in the alleged service sheet of the Petitioner Ex. M1. But the reason given in Ex. W5 is only available in the alleged service sheet Ex. M1. From this, it can be inferred that this is not a service sheet maintained for the Petitioner and the reason for his termination of service in Ex. W4 does not found a place there in Ex. M1. From this it can be presumed that old service sheet of the Petitioner was removed and in its place a new service sheet has been introduced in support of Ex. W5 letter dated 1-9-83. It is also his contention that when the Management has taken a stand that on the basis of disciplinary pro-

ceedings the services of the Petitioner was terminated, it is for the Management to prove that with acceptable evidence about the disciplinary action taken by the Management against the Petitioner for the alleged misconduct, but no such document has been filed by the Management to discharge that burden. Further, the Management is bound to explain about the contrary reason given for the termination of service of the Petitioner in their earlier document Ex. W4. So, under such circumstances, it is evidently clear that the action of the Management against the Petitioner in removing him from service is illegal and unjust. It is also his contention that the Petitioner is aged at 54 now and he had untold suffering ever since his removal from service in the year 1970 and hence his prayer for reinstatement in service with back wages and continuity of service, after setting aside the order of the Respondent for termination of service of the Petitioner is just and necessary. Hence, an award may be passed by setting aside the order of the Management of removing the Petitioner from service and directing the Management/Respondent to reinstate the Petitioner in service with all back wages and benefits and continuity of service.

7. Learned counsel for the Respondent has put forth an argument that the Petitioner was engaged purely as a casual Mazdoor on daily rated wages from 17-2-1961 with several breaks and then he was appointed on 15-7-69 as a temporary Mazdoor on fixed pay of Rs. 70 per mensem upto 31-12-69, subject to review and that his temporary appointment was further extended for a further period of six months with effect from 0-1-01-70 and that when the Petitioner was posted to watch duty on 24-5-69, resulted in theft of welding cables and he was discharged from Trust service by an order dated 5-3-1970 on disciplinary grounds with effect from 6-3-70 and the Petitioner did not challenge the said order and had not raised any dispute over that decision of the Management on disciplinary grounds. In support of his contention, he has relied upon Ex. M1, a xerox copy of the service sheet of the Petitioner, which is marked by consent of the counsel for the Petitioner. It contains these particulars of appointment of this Petitioner as a temporary Mazdoor from 15-7-1969 to 31-12-1969 and his subsequent appointment from 1-1-1970 to a further period of six months. This has been clearly averred in the Counter Statement filed earlier by the Respondent, the fact that the Petitioner has been discharged from service on disciplinary grounds by an order dated 5-3-1970 with effect from 6-3-1970 (AN) is also mentioned in Ex. M1. For all these entries available therein, the authorities of the Management have subscribed their signatures then and there. In the argument, the learned counsel for the Petitioner took an objection to this Ex. M1, Service Sheet of the Petitioner, stating that the Management has given two different reasons for non-employment of the Petitioner in Ex. W4 and W5 and the reason given in Ex. W5 alone has been mentioned in Ex. M1 and it can be said that it is only a document prepared by the Management suit to its convenience and it cannot be relied upon. Further, as there is no serial number in the said Sheet it can be said that the Sheet can be created by the Management afresh as and when it is fit required. This contention of the learned counsel for the Petitioner cannot be accepted as true, because a perusal of this Ex. M1 shows that it contains signa-

ture of the Petitioner in the first page which clearly carries with his admitted signature in the documents he has filed in the Court, such as Vakalat, Claim Statement etc. For the definite averment in the Counter Statement that due to the Petitioner's negligence in his watch duty on 24-3-09 during 22.00 hrs. to 0.00 hrs shift at S & A Yard, theft of welding cables was resulted, has not been denied by the Petitioner by way of any reply statement or adducing any evidence before this Tribunal by way of any oral evidence. This particular aspect of misconduct which resulted in disciplinary proceedings has been clearly averred in the Counter Statement itself and the punishment awarded by the Management in the disciplinary proceedings as dismissing of the Petitioner from service with effect from 6-3-1970 also has not been disputed as a false averment made by the Management in the Counter Statement. The attack made by the learned counsel for the Petitioner with regard to the genuineness of Ex. M1 cannot be considered as correct, because the way in which the entries have been made thereof and the particulars of the Petitioner/Workman is available with regard to his previous service and other personal particulars apart from his own signature which are found to be genuine and has not been disputed as incorrect particulars. It is not the contention of the Petitioner or his counsel that the signature contained in Ex. M1 is not that of the Petitioner himself. The reason given by the Management for giving wrong reply earlier as reply of the Secretary of the Management to the representation made by the Petitioner dated 26-3-1975 is one that of made inadvertently cannot consider to be a stand taken by the Management for the purpose of this case. For the notice sent by the Petitioner through his counsel dated 27-7-1983, the Management has sent a reply under Ex. W5/M9 dated 1-9-83 stating a different reason for removal of the Petitioner from service cannot said to be a false one, when it is consistent to the entries available in Ex. M1, his service sheet. So, under such circumstances the contention of the learned counsel for the Petitioner that Ex. M1 has been prepared by the Management at any time and it cannot be taken as a genuine document has no basis.

8. Though it is alleged in the Claim Statement that subsequent to the discharge of the Petitioner from service with effect from 6-3-1970, the Petitioner has made several representations, written and oral before the departmental authorities and after a long time, he received a reply dated 7-5-1975 has not been substantiated with any acceptable evidence on the side of the Petitioner. Ex. W4 is the reply dated 7-5-75 and the Petitioner has referred to in his Claim Statement. In Ex. W4 itself, a reference has been made to the petition dated 26-3-1975 of the Petitioner addressed to the Chairman. So, from this it can be presumed that subsequent to his discharge from service with effect from 6-3-1970, the Petitioner has chosen to represent to the authorities only by his letter dated 23-6-1975. Even a copy of the said letter has not been filed by the Petitioner before this Court. So from this, it is evidently clear that only after five years the Petitioner had made representation to the Respondent/Management seeking re-employment and it is also evident from his own document a notion sent through the advocate dated 27-7-1980 seeking re-employment, a xerox copy of the notice received by the Respondent/Management is Ex. M2. From this, it is seen subsequent to his

representation made by the Petitioner dated 26-3-1975 the Petitioner has chosen to send a representation through his Lawyer dated 27-7-1983, eight years after his earlier representation. Though it is alleged in the Claim Statement, he approached the departmental authorities of Respondent/Management at frequent intervals to represent the matter seeking re-employment, no concrete evidence has been produced before this Court in support of that contention. So from all these things it is seen that the inordinate delay in making representation to the department by the Petitioner seeking re-employment, he is only concerned and the delay is not to the Respondent/Management. Further, from the side of the Management, it is clearly explained that files relating to disciplinary proceedings taken against the Petitioner for his misconduct is not available, due to paucity of time and the policy in the department for destruction of records, after keeping it for certain periods for which Ex. M4 has been filed. This has not been disputed by the counsel for the Petitioner. So, under such circumstances from the evidence available, it is seen that the Petitioner has been discharged from service with effect from 6-3-1970 only in pursuance of disciplinary action taken against the Petitioner for his misconduct, his negligence in watch duty which resulted in theft of welding cables. This has been clearly averred in the Counter Statement giving full particulars of alleged misconduct. It is not contended by the learned counsel for the Petitioner or by the Petitioner himself by way of reply statement that the Petitioner has not committed one such misconduct as his negligence in watch duty on the particular day on the particular shift duty, which resulted in theft of welding cables belonged to the Respondent/Management. If it is really a false allegation against the Petitioner, he would have contravened the same by filing a reply statement denying that particular allegation of misconduct. That allegation is quite consistent to the entries about the disciplinary action taken against the Petitioner mentioned in Ex. M1 his service sheet. Further the Petitioner has stated in his notice sent through his advocate under Ex. M2 that during the year 1970, he was removed from service along with some other workers, as per the direction of the Central Government to remove the excess workers under 20 Point Programmes, but this has not been stated in his Claim Statement filed before this Tribunal. Further as per the service particulars of the Petitioner available under Ex. M1, it is seen that he was given an appointment on temporary basis, first for the period of less than six months and next for a further period of six months from 1-1-70, but within that second extended period of six months under the orders of the Management, on disciplinary grounds he was discharged from service. So all these things go to show that the Petitioner was not at all being employed by the Respondent/Management as a permanent employee and he was there in service only for a short period as a temporary Mazdoor, subject to review and he has to be discharged from service on disciplinary grounds as alleged in the Counter Statement, which has not been disputed as a false one. So, under such circumstances, it can be held that the action of the Management against this Petitioner for discharging him from service with effect from 6-3-1970 cannot be termed as an illegal order on the other hand, it is proved to be a justified one by ample evidences on the side of the Respondent/Management.

ment and hence, the Workman concerned is not entitled to any relief, as prayed for. Thus, the point is answered accordingly.

9. In the result, an award is passed holding that the action of the Management of Madras Port Trust in discharging Shri A. Ramaswamy with effect from 06-03-1970 is justified and the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him and corrected and pronounced by me in the open court on this day the 24th April, 2001).

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined:

On either side : None.

Documents Marked:—

For the Workman/I Party :

Ex. No.	Date	Description.
W1		Xerox copy of the permit card.
W2		Xerox copy of the Madras Port Trust's premedical treatment card.
W3	12-02-70	Xerox copy of the salary certificate along with wage slip.
W4	07-05-75	Xerox copy of the communication of the Secretary, Madras Port Trust.
W5	01-09-83	Xerox copy of the communication of the Chief Mechanical Engineer, Port Trust, Madras to Sri. M. Krishnamurthy, Advocate.
W6	11-02-84	Xerox copy of the conciliation report submitted by the Asst. Labour Commissioner (Central-II), Chennai.
W7	09-08-94	Xerox copy of the order passed by the Govt. of India, Ministry of Labour and Rehabilitation.
W8		Xerox copy of affidavit in W.P. No. 12218 of 1984.
W9	May, 1986	Copy of the Counter filed by the Respondent in W.P. No. 12218 of 1984.
W10	24-06-94	Copy of order of High Court in W.P. No. 12218 of 1984.

For the Management/II Party :

- M1 Xerox copy of the Service records of the Petitioner.
- M2 27-07-83 : Xerox copy of representation of the Petitioner to the Management through his counsel.
- M3 01-09-83 : Xerox copy of the reply of Chief Mechanical Engineer to Sri. M. Krishnamurthy, Advocate.
- M4 Xerox copy of Extract of procedure for recording of files by the Respondent.

नई दिल्ली, 10 मई, 2001

का.ग्रा. 1146-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार मैसर्स अमरनाथ एण्ड सन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-2001 को प्राप्त हुआ था।

[सं. एल-29012/96/2000-आई आर(एम)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 10th May, 2001

S.O. 1146.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Amarnath and Sons and their workman, which was received by the Central Government on 9-5-2001.

[No. L-29012/96/2000-IR(M)]

B. M. DAVID, Under Secy.

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय जयपुर

प्रकरण संख्या :- सी. जी. आई. टी. /2/2001

आदेश संख्या : एल-29012/96/2000/आई. आर. (एम.) 22-11-2000

रमेश कुमार, पालीवाल पुत्र श्री चुन्नीलाल पालीवाल निवासी बिश्लियावास, श्रीकोलायत जी, जिला बीकानेर।
—प्रार्थी

बनाम

मैसर्स अमरनाथ एण्ड सन्स, रखखाना कालोनी, बीकानेर (राजस्थान)—अप्राथी

उपस्थित :—

प्रार्थी की ओर से—कोई नहीं

अप्राथी की ओर से—कोई नहीं

पंचाट दिनांक 12-3-2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है।) की धारा 10 की उपधारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत उक्त आदेश के ज़रिए न्यायनिर्णयन हेतु निर्देशित किया गया—

"Whether the action of M/s. Amarnath & Sons, Bikaner in terminating the services of Sh. Rameesh Kumar Paliwal S/o Sh. Chuni Lal Paliwal w.e.f. 31-3-97 was justified? If not what relief the workman is entitled and from what date?"

रमेश कुमार पालीवाल विवाद उठाने वाले पक्षकार को निर्देश आदेश की प्राप्ति के अन्दर 15 दिवस में स्टेटमेंट ग्राफ क्लेम प्रस्तुत करना था। निर्देश आदेश दिनांक 15/1/2001

को प्राप्त हुआ। परन्तु रमेश कुमार पाणीवाल ने स्टेटमेंट आफ क्लेम प्रस्तुत नहीं किया। उसे रजिस्टर्ड नोटिस स्टेटमेंट आफ क्लेम प्रस्तुत किये जाने हेतु भेजा गया, जो उसे प्राप्त हो गया। नोटिस की प्राप्ति रसीद पतावली पर उपलब्ध है। मैसर्स अमरनाथ एण्ड सन्स विपक्षी को भी जरिये रजिस्ट्री नोटिस भेजा गया, जिसे लेने से उसने इंकार किया। इस प्रकार दोनों ही पक्षकार बावजूद तामील नोटिस के उपस्थित नहीं हैं। रमेश कुमार पाणीवाल न तो उपस्थित आया न ही क्लेम पेश किया व पक्षकारों के उपस्थित न आने के कारण ऐसा प्रतीत होता है कि उनमें आपस में विवाद नहीं रहा है, अतः विवाद रहित पंचाट पारित किया जाता है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

ह०/- अपठनीय

नई दिल्ली, 10 मई, 2001

का.आ. 1147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तन्माग लि., सलेम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-2001 को प्राप्त हुआ था।

[सं. एल-29012/56/96-आई.आर. (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 10th May, 2001

S.O. 1147.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Tanmag Ltd. and their workman, which was received by the Central Government on 9-5-2001.

[No. L-29012/56/96-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 11th April, 2001

Wednesday, the 25th April, 2001

PRESENT :

K. Karthikeyan, Presiding Officer,
Industrial Dispute No. 417/2001

BETWEEN :

Shri L. Krishnan
Salem

.. Workman/I Party.

AND

The Chairman-cum-
Managing Director,
Tanmag Ltd., Salem. .. Management/II Party.

APPEARANCES :

For the Workman : M/s. A. Nagarathinam and
M. Pari, Advocates.

For the Management : M/s. M. R. Raghavan and
K. Vasu Venkat.

REFERENCE :

Order No. L-29012/56/96-TR(M) dated 27th
December, 1996, Government of India, Ministry of
Labour, New Delhi.

This dispute on coming up before me for final hearing on 5-3-2001 for deciding the preliminary issue of validity of the domestic enquiry, upon perusing reference. Claim Statement, Counter Statement and other material papers on record and the exhibits filed on either side and upon hearing the arguments and upon perusing the written arguments filed by the learned counsel on either side and this preliminary issue having stood over till this date for consideration, this Tribunal passed the following:—

ORDER

This reference by the Central Government in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947, in respect of dispute between Shri I. Krishnan, Workman and the Chairman-cum-Managing Director, Tanmag Ltd., Salem, Management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

“Whether the action of the Management of TANMAG in terminating the services of Sri I. Krishnan, T. No. 707 is just, proper and legal? If not, to what relief the workman is entitled?”

This order of reference was originally made to Tamil Nadu Industrial Tribunal for adjudication and the same was taken on file there as Industrial Dispute No. 1/97. Both the parties to this dispute appeared before that Tribunal and filed respective Claim Statement and Counter Statement along with records. By the consent given by counsel on either side, exhibits were marked on either side and the matter was taken up before this Industrial Tribunal for enquiry as Exs. W1 to W10 and M1 and M2. Subsequent to that the written arguments of the counsel for the I Party/Workman has been filed there itself and when the matter is pending for the Respondent/Management counsel to file written arguments there in the Tamil Nadu Industrial Tribunal, as per the orders of the Central Government, it has been transferred to the file of this Tribunal and has been taken on file as Industrial Dispute No. 417/2001. When the matter came up for enquiry here, by the request of the II Party counsel time was extended till 5-3-2001 for filing his written arguments and on 5-3-2001, the counsel for the II Party filed his written arguments.

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows:—

The I Party/Workman (hereinafter referred to as Petitioner) entered the service of the II Party/Management concern (hereinafter referred to as Respondent) in the year 1971 as unskilled worker bearing token No. 707. He was transferred from mines to the auto garage section as Mazdoor. He had been discharging his duties to the satisfaction of his superiors without any blemish for the past 23 years of his service in the Respondent/Management. He involved in trade union activities of Salem District Pattali Thozhil Sangam, which was espousing the cause of the workmen in day-to-day problems with the Management. It is a usual practice that the problems of the workmen were discussed with the official and resolved the same amicably in the larger interest of the both. Engaged by the union activities of the Petitioner, the Respondent was waiting for an opportunity to victimise him. The Respondent introduced voluntary retirement scheme in the company and the workers are coerced by all means to accept the said scheme. The Respondent wanted to reduce the strength of work force. Therefore, the workers were forced to produce more than that of normal production without any agreement. The workers, who were unable to achieve the target of workload, were illegally suspended. 67 workmen belonging to various gangs were suspended on 16-3-94 on the alleged charge for poor performance. This has created unrest and resentment among the workers in the mines and this was brought to the notice of 7 trade unions. The Petitioner along with representatives of seven trade unions including the Salem District Pattali Thozhil Sangam, met the Respondent and expressed resentment that was prevailing among the workers and requested for revocation of the en-masse suspension, with a view to bring normalcy. The above said discussion, heated arguments, counter arguments were exchanged by both sides. There had been many such occasions in the past which led to find solutions. To the shock and surprise of the Petitioner, he was served with an order of suspension dated 16-3-94 alleging that he had abused the company officials and threatened them on the date of discussion. The Petitioner submitted his explanation on 18-3-94 denying the charges alleged against him. Not satisfied with the explanation, the Respondent conducted a farce of an enquiry without following the principles of natural justice. On the basis of the perverse findings of the Enquiry Officer, the Petitioner was issued with a second show cause notice dated 18-4-94 and finally the Petitioner was issued the order of dismissal dated 20-6-94, without considering the explanation submitted by the Petitioner. The co-ordination committee of all seven trade unions observed a black day on 30-6-94 against the order of dismissal of the Petitioner from service. On 4-7-94, the Petitioner preferred an appeal against the order of dismissal to the Appellate Authority. The Appellate Authority passed the order dated 9-7-94 not even considering the reasons stated in the appeal confirming the order of dismissal. The dismissal order dated 20th June, 1994 and the order of confirmation by the authority dated 9-7-94 are arbitrary, illegal and unjust. The domestic enquiry was not conducted in a fair and proper manner and in accordance with the principles of natural justice. The Petitioner was not furnished with list of witnesses, who were going to be examined

and the list of documents which are going to be marked before conducting the enquiry. One Sri K. A. Siddhan, who has present throughout the alleged incident on 16-3-94 was not examined as witness on behalf of the Petitioner, which shows the attitude of the Enquiry Officer by not giving an opportunity to defend the Petitioner. The Petitioner was denied copies of the enquiry proceedings in spite of requisition made by him. It amounts to violation of principles of natural justice. He was not paid subsistence allowance during the period of suspension from 16-3-94 to 20-6-94 which vitiate the entire proceedings and it amounts to violation of Section 22(3) of the Standing Orders. The Respondent before passing a final order of dismissal did not consider the past record of the petitioner and he was not given notice as to the past records and thereby he was denied reasonable opportunity of being heard. The findings of the Enquiry Officer are totally perverse and biased. The Management witness states that there are more than 25 workers inside the mines manager's room at the time of alleged incident and none of them were examined. But the Respondent examined only the security as witness in support of the charges. This goes to prove that the case is a pre-planned one in order to illegally punish the petitioner with a vindictive motive for his union activities. There was a sudden thrust of extra-production which is contrary to the practice and agreed workload norms stipulated in the settlement between union and Management. The deposition of MW1 reveals the fact that the workers were expected to give extra production in the recent period preceding the day of alleged incident and there was attempt to force the voluntary retirement scheme among them. From the above statement, one can come to the conclusion that there was an insistence and compulsion amount the workmen to give extra production beyond the agreed limit to coerce them to opt for voluntary retirement which amounts to unfair labour practice prohibited under Section 25 F of the Industrial Disputes Act. In the discussion on that day nearly 40 persons have participated, out of them only the Petitioner was served with an order of suspension and he was alone charged, which shows, the motive of the Respondent. The action of the Management in dismissing the Petitioner amounts to victimisation of the Respondent, as the Petitioner was active in the Union activities. There was no misconduct as alleged by the Respondent/Management and the petitioner is innocence of guilty of any misconduct under Sections 21(7) and 21(10) of the Standing Order. The Respondents have not conducted any preliminary enquiry on the alleged charges before the issuance of suspension order. Even assuming without admitting that the charges are proved the order of dismissal passed by the Management is disproportionate to the gravity of charges alleged against the Petitioner. The statement of security guard Mr. Subramanian ought not to have relied upon, since the said guard is working under Nallusamy, the Security Officer incidentally the Management representative in the enquiry with whom the Petitioner had strained relationship over years and in fact the Petitioner was threatened with dire consequences and vowed to throw him out of employment. Therefore, it is prayed that the Hon'ble Tribunal may be pleased to pass an award directing the Respondent to reinstate the Petitioner with continuity of service with back wages and all other attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows:—

The Petitioner was employed as Mazdoor at the Mines Division, Haulage Section of the Respondent. On 16-3-94 when the Mines Manager was discussing with certain other workmen and foreman regarding disciplinary action initiated against two workmen, the Petitioner interfered and misbehaved with the Mines Manager and abused him. For this act, the Petitioner was placed under suspension and a charge sheet dated 16-3-94 under clauses 21(7) and 21(10) of the Standing Orders was issued to the Petitioner. His explanation was called for. He was also placed under suspension pending enquiry from 4.00 pm on 16-3-94. The Petitioner has submitted his explanation dated 18-3-94. Since the explanation submitted by the Petitioner was not satisfactory, an enquiry to probe into the charges against him was ordered. The Petitioner availed all the opportunities offered to him and participated in the domestic enquiry which was held from 21-3-94 to 7-4-94. The domestic enquiry was held in a fair and proper manner adhering to the principles of natural justice. Based on the materials placed in the enquiry, the Enquiry Officer submitted his findings on 15-4-94 holding that the Petitioner guilty of the charges levelled against him. Since the Petitioner was found guilty of violating clauses 21(7) and 21(10) of the Standing Orders of the Respondent and considering the bad past record of the Petitioner, wherein he was admonished on several occasions for similar misconducts, the Respondent issued a second show cause notice dated 18-4-94 to the Petitioner proposing punishment of dismissal. The Petitioner submitted his reply dated 20-4-94 wherein he admitted the charges and tendered apology. Independently considering the findings of the Enquiry Officer, the explanation of the Petitioner and his past record, the Respondent passed an order dated 20-6-94 dismissing the Petitioner from the services of the Respondent. The Petitioner referred an appeal against the said order of dismissal. The Petitioner raised industrial dispute before the Assistant Labour Commissioner (Central-I) which ended in failure. The Central Government has now referred the dispute for adjudication. The order of dismissal passed by the Respondent is just, legal and warranted in the circumstances of the case. The Petitioner was given ample opportunity in the domestic enquiry conducted wherein he examined five witnesses to defend himself. The enquiry was conducted in accordance with the principles of natural justice. Sri K. A. Siddhan was the representative of the Petitioner in the enquiry. The Enquiry Officer was fair in holding that the said K. A. Siddhan could act as Workman's representative only and he could not be a witness and also the representative of the workman in the same enquiry. The preliminary issue regarding validity or otherwise of the procedure adopted in the enquiry may be framed by this Hon'ble Tribunal and the findings be recorded thereon. If on this preliminary issue, this Hon'ble Tribunal holds either that the enquiry is vitiated or findings recorded thereon are unreasonable, then this Respondent may be provided an opportunity to prove the charges levelled against the Petitioner by adducing fresh oral and documentary evidence. The allegation that enquiry is vitiated since the subsistence allowance was not paid to the Petitioner is not maintainable. No

request for payment of subsistence allowance was made by the Petitioner. It has also not been said as to how the Petitioner is prejudiced. Hence, this contention is untenable. After receiving the second show cause notice, the Petitioner admitted his misconduct and tendered apology through his letter dated 20-4-94. In the said letter he did not contradict his bad past records. When such is the position, it would be improper to contend that he was not given notice as to the past records and thereby denied reasonable opportunity of being heard. Further, his personal file was also marked in the domestic enquiry where he had an opportunity to contradict the same. All the four witnesses examined on the side of the Management were cross-examined by the Petitioner. The Management witnesses have denied that the action initiated against the Petitioner was vindictive. His plea of victimisation is not supported by any tangible material and hence unsustainable. The Petitioner has admitted his misconduct committed on 16-3-94. Having admitted the same, it is not open to him to contend that he was victimised for his participation in union activities. It was only the Petitioner, who misbehaved at the relevant time in the office of the Mines Manager and it would not be necessary to charge sheet others present there for no fault committed by them. The action of the Management in punishing the Petitioner for proved misconduct is just and proper and certainly not motivated by victimisation. In so far as the quantum of punishment is concerned, the Respondent states that it is just and proper since grave misconducts were committed by the Petitioner. The Petitioner has not made out any case for interference by this Hon'ble Tribunal under section 11A of the Industrial Disputes Act. Nor the punishment could be categorised as shockingly disproportionate warranting interference. Under such circumstances, it is prayed that this Tribunal may be pleased to dismiss the Industrial Dispute.

3. When the case was received on transfer from the file of Tamil Nadu Industrial Tribunal, the enquiry stage of this case is, to file written arguments of the counsel for the Respondent on the preliminary issue about the validity of the domestic enquiry, since the written arguments of the counsel for the Petitioner on that preliminary issue has already been filed. Subsequent to the case received on transfer and taken on file here, in this Tribunal and the case was came up for enquiry at the request of counsel for the II Party/Management, time was granted to file written arguments on the preliminary issue and he filed the same on 5-3-2001 and the case was posted for orders on the preliminary issue on 19-3-2001. Since the Tribunal is otherwise engaged in other earlier part-heard matters, could not be delivered on 19-3-2001 as fixed earlier and hence this case was posted to this date from 19-3-2001 for orders on the preliminary issue.

4. The point for my consideration is, whether the domestic enquiry conducted by the Respondent against the Petitioner as a charge-sheeted employee was fair and proper following the principles of natural justice.

Point.—(Preliminary issue) The I Party/Workman Sri I. Krishnan (hereinafter referred to as the

Petitioner) joined as an unskilled worker under the second party/management (hereinafter referred to as the Respondent) in their mines in the year 1977. Then he was transferred to the auto garage section as Mechanic. He involved in Trade Union activities and used to represent the Workman for their problems with the Management. On 16-3-94, when the Mines Manager was discussing cashier, other workmen and foreman regarding disciplinary action initiated against the two workmen, the Petitioner interfered in the discussion and heated arguments, counter arguments were exchanged by both sides. It was alleged that the Petitioner during that discussion misbehaved with Mines Manager and abused him. For that act of the petitioner, the petitioner was served with an order of suspension dated 16-3-94 with the charge sheet under Clause 21(7) and 21(10) of Standing Orders Ex. W1, alleging that he had abused the company officials and threatened them on that day on discussion. Not satisfied with his explanation Ex. W2 submitted his petition on 18-3-94 to the charge memo, an enquiry was conducted by the Respondent. The Petitioner participated in the domestic enquiry held from 21-3-94 to 7-4-94. The enquiry proceedings is Ex. M1. The Enquiry Officer submitted his findings on 15-4-94 under Ex. W2 holding that the Petitioner was found guilty of the charge levelled against him. Then the Respondent issued a show cause notice dt. 18-4-94, Ex. W3 to the Petitioner calling for his explanation for the findings of the Enquiry Officer. The Petitioner submitted his explanation on 20-4-94, Ex. W4. Then the Respondent Management passed his final order dated 20-6-94, Ex. W5 dismissing the Petitioner from service. The Petitioner preferred an appeal dated 4-7-94 under Ex. W6. The Appellate Authority passed an order dated 9-7-94 under Ex. W7 dismissing the appeal and confirming the order of Disciplinary Authority under Ex. W5.

5. It is the contention of the learned counsel for the Petitioner that the dismissal order dt. 20-6-94 passed by the Disciplinary Authority and the order of confirmation dated 9-7-94 of the Appellate Authority are arbitrary, illegal and unjust and that the domestic enquiry was not conducted in a fair and proper manner in accordance with the principles of natural justice. The Petitioner was denied an opportunity to defend himself properly before the enquiry, since he was not permitted by the Enquiry Officer to examine one Sri K. A. Siddhan as a defence witness on the ground that he was present throughout enquiry as a defence representative. In support of his contention, he cited decision of the Bombay High Court reported as 1991 II CLR 225. That decision is not applicable to the facts and circumstances of this case. A perusal of the records including the enquiry proceedings Ex. M1 clearly show that the Petitioner was given ample opportunity in the domestic enquiry and by availing the same he had examined four witnesses to defend himself. So it is incorrect to say that the Petitioner was not given reasonable opportunity to prove his innocence. The Petitioner himself has admitted the commission of act alleged as misconduct in the charge memo Ex. W1, in his reply dated 30-4-94, Ex. W4 and requested the Management to forgive him. Further the perusal of the enquiry proceedings in the domestic enquiry Ex. M1 and the Enquiry Officer's findings

Ex. M2 clearly show that the enquiry was conducted in a fair and proper manner by giving ample opportunities to the Petitioner, the delinquent employee and by following the principles of natural justice. After considering the relevant materials placed before him on either side by way of evidence, the Enquiry Officer submitted his findings holding that the Petitioner has committed an act of misconduct in violation of Clause 21(7) and 21(1) of the Standing Orders.

6. The next contention raised on behalf of the Petitioner is that the Petitioner could not participate in the enquiry in a healthy manner due to non-payment of subsistence allowance. A perusal of the records shows that it is incorrect. The Petitioner has participated in the enquiry fully without any objection and protest and he did not claim subsistence allowance. At no point of time during the enquiry he has said any protest that non-payment of subsistence allowance disabled him from participating in the enquiry in a healthy manner and any prejudice has been caused to him. As per the recent judgement of the Madras High Court reported as 2001 I MLJ P. 55 in the absence of any prejudice shown to have been caused to the delinquent employee in participating in the domestic enquiry in a healthy manner due to the non-payment of subsistence allowance and the delinquent employee had failed to claim the same during the time he participated the enquiry in full it cannot be said that the enquiry was not conducted in a fair manner and it amounts to violation of principles of natural justice.

7. The next contention raised on behalf of his Petitioner is that examining the Disciplinary Authority in the enquiry as MW3, who is higher in position than the Enquiry Officer and the Enquiry Officer was influenced by MW3 and that said Disciplinary Authority has passed the final order of punishment is bad in law and is unsustainable. It is seen from the Ex. M2 the report of the Enquiry Officer that he did not rely upon the evidence of MW3 only, but has taken into consideration all the materials placed before him to give his findings. The Disciplinary Authority has passed his order Ex. W5 after considering all the materials placed before him inclusive of the past records of the Petitioner and based on the findings given by the Enquiry Officer in his report Ex. M2. Hence there is no violation of principles of natural justice and the order passed by the Disciplinary Authority Ex. W5 is bad in law.

8. Yet another contention raised on behalf of the Petitioner is that enquiry is vitiated in not providing the findings of the Enquiry Officer to the Petitioner. This contention cannot be accepted as correct in view of the decision of the Supreme Court in a case reported as 1994 I III 162. In that case the Hon'ble Supreme Court has held that the enquiry will not be vitiated due to the non-furnishing of the findings of the Enquiry Officer to the delinquent employee and the prejudice caused will have to be proved. Here, in this case the Petitioner has not proved causing of any prejudice to him in this regard.

9. It is further argued on behalf of the Petitioner that MW1, MW2 and MW3 are not independent wit-

witnesses and they being the employees under the Respondent/Management in Security Department their evidence ought not have been relied upon by the Enquiry Officer. This contention has no basis, because they deposed before the Enquiry Officer as Management witnesses as what they know about the incident. So the reliance made by the Enquiry Officer on their statements cannot said to be incorrect on the ground that they are not independent witnesses.

10. The contention raised on behalf of the Petitioner in respect of the reliance made by the Respondent about the past records of the Petitioner as unsustainable is incorrect. The Petitioner was aware about the production of his past records in the enquiry itself, as it is evidenced from the enquiry proceedings Ex. M1. So, his contention that no notice has been given to him about his past record is baseless. The mention of the Enquiry Officer in his report about the past records of the Petitioner was bad, incidentally does not amount to play the role of the Disciplinary Authority or does not vitiate the enquiry. Further, the validity of the enquiry cannot be impeached on technical grounds, as it is decided by the Supreme Court as a law laid down.

11. Under such circumstances on the basis of the discussions above, I come to the conclusion that the domestic enquiry conducted by the Enquiry Officer against the Petitioner as a charge sheeted employee fair and proper, following the principles of natural justice. Thus, I answer the point accordingly.

12. For hearing arguments of the counsel on either side, with regard to the punishment imposed by the Respondent (Disciplinary Authority) against the Petitioner, it is adjourned to 18-4-2001.

(Orders in this preliminary issue has been dictated to the Stenographer and transcribed & typed by him and corrected and pronounced by me in the open court on this day the 11th April, 2001).

K. KARTHIKEYAN, Presiding Officer
25-4-2001.

AWARD

13. When the matter was taken up for hearing further arguments of the counsel on either side with regard to the main issue as mentioned in the Schedule of reference, both the counsel appearing on either side and both the parties were not present and there was no representation. So, the case was adjourned to 23-04-2001 for hearing arguments of the counsel on either side on the main issue.

14. When the matter was came up on 23-04-2001, both the parties were not present and the counsel appearing on either side were also not present and there was no representation. So, it was held that there was no arguments to be advanced on either side in respect of the main issue about the action of the Management against the Workman concerned in terminating his services. The case was posted for orders after due consideration till this day 25th April, 2001.

15. This Tribunal has already passed an award on 11th April, 2001 with regard to the validity of the domestic enquiry as a preliminary issue holding that the said domestic enquiry against the present Petitioner, the charge sheeted employee, was conducted by the Enquiry Officer in a fair and proper manner, following the principles of natural justice. Though it is alleged in the Claim Statement for the Petitioner, Workman that the order of dismissal passed by the Management is disproportionate to the gravity of charges alleged against the Petitioner, nothing has been put forth by way of an argument by the counsel for the Petitioner in support of that contention. It is clearly stated in the Counter Statement of the Respondent/Management that on the findings given by the Enquiry Officer in his report that the Petitioner is guilty of charges levelled against him, it is in violation of Clause 21(7) and 21(10) of the Standing Orders of the Respondent/Management. On submission of the Enquiry Officer's report, the Respondent/Management also has considered the bad past record of the Petitioner, wherein he was admonished on several occasions for similar misconducts, the Respondent has issued a second show cause notice to the Petitioner dated 18-4-1994 to the proposed punishment of dismissal from service. After the Petitioner has submitted his reply dated 20-4-94, wherein he had admitted the charges and tendered apology, the Respondent/Management after considering the findings of the Enquiry Officer and the explanation given by the Petitioner and the past record of the Petitioner, the Respondent had passed an order dated 20-6-1994, dismissing the Petitioner from service. The Petitioner has also preferred an appeal against the said order of dismissal. Only after hearing the petitioner and after perusing the past records of the Petitioner/Workman, the Appellate Authority by its order dated 9/11-7-94 confirmed the order of dismissal passed by the Disciplinary Authority.

16. Though it is alleged in the Petitioner's Claim Statement that the action of the Management is vindictive and only to victimize him for his union activities he was dismissed from service, no acceptable evidence has been placed before this Court or even contended by the Petitioner in the Claim Statement. A perusal of the records in this case clearly show that the Petitioner/Workman was admonished on several occasions for similar misconducts and only after coming to the conclusion that the misconduct of the Petitioner was in violation of Clause 21(7) and 21(10) of Standing Orders of the Respondent, the Disciplinary Authority had come to the conclusion that it is a fit case wherein the Petitioner has to be awarded punishment of dismissal from service. Even prior to the passing of final order under Ex. W5 of the Respondent/Management, second show cause notice dated 18-4-94 under Ex. W3 was given to the Petitioner/Workman for which he has submitted a reply under Ex. W4 dated 20-4-94. In that reply he has tendered his apology and has assured the Management that he will not commit such misconduct in future. Subsequent to that in the final order dated 20-6-94 passed by the Disciplinary Authority, it has been clearly stated that the explanation given by the Petitioner/Workman for the second show cause notice proposing the punishment for his misconduct, is not satisfactory and after verifying the past records of the Petitioner, it was found that there

was no other possibility except removing him from service. In the appeal preferred by the Petitioner/Workman under Ex. W6, he has not stated that the punishment imposed by the Disciplinary Authority against him on the basis of the findings of the Enquiry Officer in his report, is grave in nature and disproportionate to the misconduct of the Petitioner. It is also not his contention therein that the said order of dismissal was passed by the Disciplinary Authority against him vindictive, only to victimise him. The Appellate Authority in his order under Ex. W7 has clearly stated that after perusing the entire records and appeal preferred by the Petitioner/Workman dated 4-7-94 and after hearing him personally on 8-7-94, he has found that it is a proved misconduct and inspite of warnings were given to the Petitioner previously on several times by the Management, the Petitioner has not chosen to rectify himself and hence as an Appellate Authority he cannot interfere with the punishment imposed by the Disciplinary Authority and he confirmed the punishment of dismissal from service against the Petitioner/Workman under order dated 20-6-94. So from all these things it is evidently clear that the action of the Management in punishing the Petitioner/Workman for the proved misconduct is just and proper and it is not motivated by victimisation. Further it is seen from the records that the quantum of punishment imposed by the Management against the Petitioner/Workman as dismissal from service is just and proper, when compared to the gravity of the proved misconduct of the Petitioner/Workman. So under such circumstances, I come to the conclusion that the Petitioner has not made any case for interference by this Hon'ble Tribunal under section 11A of the Industrial Disputes Act, 1947, in respect of the quantum of punishment imposed by the Management/II Party against the Petitioner/Workman/II Party, since the punishment could not be categorised as shockingly disproportionate, warranting interference by this Tribunal. Thus, I answer the point accordingly holding that the termination of Petitioner/Workman Sri I. Krishnan, Token No. 707, from service by the Management of TANMAG is just, proper and legal.

17. In the result, an award is passed holding that the action of the Management of TANMAG, Salem in terminating the service of Sri I. Krishnan, Token No. 707 is just, proper and legal and hence the Petitioner/Workman is not entitled to any relief, as prayed for. No Cost.

(Dictated to the Stenographer, transcribed and typed by him and corrected and pronounced by me in the open court this day, the 25th April, 2001.)

K. KARTHIKEYAN, Presiding Officer
Witnesses Examined :—

On either side.—None
Documents Marked :—

For the Workman/II Party :

Ex No.	Date	Description
W1	16-3-94	Xerox copy of charge sheet issued to the Petitioner.
W2	18-3-94	Xerox copy of explanation submitted by the Petitioner.

W3 18-4-94.—Xerox copy of show cause notice sent to Petitioner.

W4 20-4-94.—Xerox copy of explanation submitted by the Petitioner.

W5 20-6-94.—Xerox copy of final order passed by the Respondent.

W6 4-7-94.—Copy of appeal preferred by the Petitioner.

W7 9-7-94.—Xerox copy of order passed by the Appellate Authority.

W8 14-7-94.—Xerox copy of 2A petition filed by the Petitioner.

W9 — —Xerox copy of Reply to the Counter filed by the Petitioner.

W10 — —Xerox copy of failure report of conciliation of Asst. Labour Commissioner.

For the Management/II Party :

M1 21-3-94.—Xerox copy of proceedings of the domestic enquiry.

M2 14-4-94.—Xerox copy of the findings of the Enquiry Officer.

नई दिल्ली, 10 मई, 2001

का आ. 1148— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पी. जी. ए. इंटरप्राइजेज के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अंतर्बन्ध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/असम वायलथ चेन्नई के पत्राद को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-2001 को प्राप्त हुआ था।

[स.एन-29011/40/99-आई.आर. (मिश्र)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 10th May, 2001

S.O. 1148.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management P.G.A. Enterprises and their workman, which was received by the Central Government on 9-5-2001.

[No. L-29011/40/99-IR (Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI

Wednesday, the 18th April, 2001

PRESENT :

K. Karthikyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 299/2001
(Tamil Nadu Industrial Tribunal I.D. No.
328/99)

BETWEEN

The General Secretary,
G.Q.T. Sangam. . . Claimant/I Party

AND

1. The General Manager,
P.G.A. Enterprises.
2. The Branch Manager,
P.G.A. Enterprises,

. . . Management/II Party.

APPEARANCE :

For the Claimant : M/s. D. Hari Paranthaman V. Ajoy Khose & P. Vijendran, Advocates.

For the Management : M/s. T. S. Gopalan & Co.

REFERENCE :

Order No. L-29011/40/99/IR(M) dt. 26-11-99, Govt. of India, Ministry of Labour, New Delhi.

This dispute on coming up before me on 18-04-2001, this day, the counsel on either side present, informed this Tribunal that the matter has been settled between the parties under section 18(1) of the Industrial Disputes Act, 1947 and filed a joint memo, requesting this Tribunal to record the settlement and to pass an award accordingly.

AWARD

The reference by Central Government in the exercise of the powers conferred by Clause (d) sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between the 22 workers as per the Annexure to Schedule of reference and Pallava Granites Aswini Enterprises, management, mentioned as Schedule appended to the order of reference.

The Schedule reads as follows :—

“Whether the Management of Aswini Enterprises, Karasanur, Vanur

Taluk is justified in terminating the services of 22 workers as per the annexure ? If not, to what relief the workmen are entitled ?”

2. This order of reference was originally made to Tamil Nadu Industrial Tribunal for adjudication and the same was taken on file there as I.D. No. 328/99. Both the parties to the dispute appeared before that Tribunal and filed their respective Claim Statement and Counter Statement. Though the reference in the Schedule above, as the industrial dispute to be adjudicated upon, refers to 22 workers with the Management concerned in the Claim Statement filed by the General Secretary of the I Party/Granite Quarry Thozhilalar Sangam, it is stated clearly that they have restricted their claim only to seven persons mentioned therein. They asked for relief of passing an award by this Tribunal holding that action of the Respondent in terminating the services of seven workers named in the Claim Statement as unjustified and consequently, direct the Respondent to reinstate them with continuity of service, back wages and other attendant benefits. Subsequently, as per the orders of the Central Govt. this industrial dispute has been transferred from the file of Tamil Nadu Industrial Tribunal to the file of this Tribunal and has taken on file as I.D. No. 299/2001. On receipt of notices from this Tribunal, informing the parties about the transfer of this case from the Tamil Nadu Industrial Tribunal to the file of this Tribunal, both the parties appeared before this Tribunal with their respective counsels finally on 18-04-2001, this day and filed a joint memo stating the matter has been settled out of the Court between the parties and requested this Tribunal to record the settlement and dispose of this case accordingly.

3. The counsel on either side along with respective parties present to-day before this Tribunal for this referred industrial dispute which has been restricted to Seven Workmen as per the Claim Statement filed by the I Party/Claimant appeared before this Tribunal to-day filed seven different separate settlements, they individually entered into with the Management under section 18(1) of the Industrial Disputes Act, 1947. Both the Management representative and the counsel of Seven Workmen were present in the Court with their respective counsel on record. The

terms of the individual settlements were put to the concerned Workmen individually and the Management representative. They admitted them as correct and those settlements (Seven in number) are recorded accordingly. All the Seven concerned Workmen request this Tribunal to dismiss this industrial dispute as closed, in view of the settlements they individually entered into with the II Party/Management. Accordingly, the settlement between the parties in terms of the settlements filed individually is recorded.

4. An award is passed as 'No Dispute' award dismissing the industrial dispute under reference. No Cost.

(Dictated to the Stenographer and transcribed & typed by him and corrected & pronounced by me in the open court on this day, the 18th April, 2001).

K. KARTHIKEYAN, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.आ 1149.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कारपोरेशन लि. के प्रबंधन के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/5/2001 को प्राप्त हुआ था।

[म एल-30025/1/2001-आई. आर (एम)]

बी.एम.डेविड अव्वर सचिव

New Delhi, the 11th May, 2001

S.O. 1149.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Vishakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Petroleum Corp. Ltd. and their workman, which was received by the Central Government on 9-5-2001.

[No. L-30025/1/2000-IR(M)]

B. M. DAVID, Under Secy

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
VISAKHAPATNAM

PRESENT

Sri K. Veerapu Naidu, B.Sc., B.L.,
Chairman, Industrial Tribunal &
Presiding Officer, Labour Court,
Visakhapatnam.

I.T.I.D. No. (C)5/2000

Dated : 30th day of August, 2000

Directly filed U/Sec. 2(A)2 of I.D. Act, 1947

BETWEEN .

Bora Demudu, S/o Mamuulu,
C/o G. Kondyya. D. No. 10-472,
Eeswarnagar, Kakinada. ... Petitioner

AND

The General Manager,
Engineering & Projects,
Hindustan Petroleum Corporation Ltd.,
(Govt. of India undertaking)
Hindustan Bhavan,
B. Shoorji Vallabhadas Marg,
Mumbai-400038. ... Respondent

This dispute coming on for hearing before me in the presnce of Sri D. Subrahmanyam. Advocate for petitioner and of M/s Saibaba & Srinivas Advocates for Respondent. Memo filed and upon perusing the material papers on record the court passed the following :

AWARD

This case is enchanced to this day as per order in I.A. 192/2000. Memo filed stating that the matter is settled out of court.

Hence the petition is dismissed without costs. Nil Award is passed.

Given under my hand and seal of the court this the 30th day of August, 2000.

K. VEERAPU NAIDU, Chairman

Presiding Officer, Labour Court

नई दिल्ली, 11 मई, 2001

का.आ. 1150 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू मंगलूर पोर्ट ट्रस्ट के प्रबंधन के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/5/2001 को प्राप्त हुआ था।

[म. एल-45011/18/83-डी-IVए]

बी. एम डेविड, अव्वर सचिव

New Delhi, the 11th May, 2001

S.O. 1150.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Mangalore Port Trust and the

workman, which was received by the Central Government on 10-5-2001.

[No. L-45011/18/83-DI-VA]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated 19th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni B. Com. LLB
Presiding Officer.

C.R. No. 31/87

I PARTY

The Secretary,
New Mangalore Port,
Staff Association (HMS),
Administrative Buildings,
New Mangalore Port Trust,
Panambur.

II PARTY

The Chairman,
New Mangalore Port Trust,
Panambur,
Mangalore-10.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-45011/18/83-D.IV(A) dated 27th April, 1985 for adjudication on the following schedule :—

SCHEDULE

“Whether the administration of New Mangalore Port Trust is justified in introducing 2 shift system in respect of operational staff in the Traffic Department of New Mangalore Port Trust without paying any extra allowance/over time as is being paid in Cochin Port Trust ? If not, to what relief the said workman are entitled ?”

Whether the management of New Mangalore Trust is justified in not extending the incentive Scheme to the categories of Tally Clerks, Traffic Inspectors and Assistant Traffic

Inspectors, who are working along with cargo handling gang workers ? If not, to what relief the said workmen are entitled ?

2. Notices were issued to parties and parties filed Claim Statement and Counter respectively.

3. Mangalore Harbour Project was renamed as port of New Mangalore by Govt. of India during May 1947 by extending provision of Major Ports Act, 1931. The main categories of workmen in the Traffic Department are (1) Tally Clerks (2) Asstt. Traffic Inspectors (3) Traffic Inspectors and (4) Lascars. These categories of employees are ministerial Out door staff of the port and had 8 hours duty per day and the work was round the clock in 3 shifts. The shift hours were as follows :—

Ist from 6 AM to 2 PM.

IIInd from 2 PM to 10 PM.

IIIrd from 10 PM to 6 AM.

All of a sudden and without any representation from the workmen or union shift time was changed from 8 AM to 5 PM and 6 PM to 3 PM. Therefore dispute was raised.

4. First party appeared and filed claim Statement, contenting that the changed shift system introducing two shifts is not correct and the management is not justified. It is also stated in the Claim Statement that 8 hours work per day to out door Ministerial Staff of New Mangalore Port is discriminatory as the indoor ministerial staff of the port has to work only 6 1/2 hours per day. Earlier there were 3 shifts and the sudden change is illegal. It is further stated that the management is not justified in extending incentive claim to the category staff like Tally Clerks, Traffic Inspectors and Asstt. Traffic Inspectors who were working along with Cargo handling workers. The first party has prayed to allow the reference. The first party has given detailed facts so far as incentive is concerned and said that incentive wages is existing in all the major ports.

5. Second Party filed objections contenting that there is no discrimination between indoor ministerial staff and the out door staff and the difference in working hours is justified. The Chairman did not agree to extend the facilities to compensate the hardships on account of changes as alleged in the Claim Statement. The withdrawal of OTA is justified. So far as payment of incentive s

concerned it is stated that listed workers were not the employees of the second party and just because the listed workers are given the incentive which is not a justification for the present demand. It is not correct to say that under the settlement dated 4-1-81 the second party is to extend the benefit of incentive wage scheme. It only provided for discussion between the management and the Union. There is no question of breach of settlement. The denial of incentive scheme is not in violation of Payment of Wages Act. The second party, therefore, has prayed to reject the reference.

6. It is seen from the records that earlier evidence was adduced and interim award was passed. Again the management examined one witness. Various documents are marked. MW II is examined. MW II Mr. Navneeth Kumar is examined by the management. He has given evidence that they have 2 shifts and it is in accordance with rules and nothing is wrong in it. Memo was filed by the union regarding incentive and the management filed memo saying that Central Govt. has to approve it. Documents Ex. P4 are marked in the evidence. There is a settlement which is marked as Ex. P4 and this settlement is in accordance with the provisions of Section 12(3) of the Act and this settlement overrides all other schemes. He has also stated that now there is no category of Tally Clerk and there is only supervisory category and they are entitled for incentive 50% of Tally Clerks. Incentive is related to productivity and the settlement is regarding productivity. I have carefully perused all the documents and heard the counsel for the second party. The first party remained absent even after many adjournments.

7. According to the evidence of MW II, Mr. Navneeth Kumar there are two shifts and the same is justified. It was argued by the learned counsel for the second party that there is settlement which is marked as Ex. M4 and this settlement is between the federation of workers and major ports on all India basis under Section 12(3) of the ID Act and this covers the dispute of incentive. It is in the evidence of MW II that the incentive is related to productivity and it was also argued that in view of the settlement Clause 35, the present dispute does not survive. Considering all the documents and the settle-

ment I am of the opinion that there is merit in the arguments of the learned counsel for the second party. Taking all this into consideration I am of the opinion that the management is justified in having two shifts and in view of the settlement it is also justified in not extending the incentive scheme for categories of Tally Clerks more particularly when there is no category of Tally Clerks. Therefore, I am of the opinion that the reference has no merit and accordingly I proceed to pass the following Order.

ORDER

The reference is rejected.

(Dictated to PA, transcribed by her, corrected and signed by me on 19th April 2001)
19-4-2001

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का आ 1951—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार मझगाव डॉक लि. के प्रबंधन के संबंध में निोजकी और उनके कर्मचारों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अभ न्यायालय बंगलोर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2001 को प्राप्त हुआ था।

[म एल-45012/26/86-डी-IV ए],

बी एम डेविड, अवसर सचिव

New Delhi, the 11th May, 2001

S.O. 1151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mazagon Dock Ltd., and their workman, which was received by the Central Government on 10-5-2001.

[No. L-45012/26/86-D.IV A]

B. M. DAVID, Under Secy
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, BANGALORE

Dated 20th April, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni B. Com.
IJB Presiding Officer.

C. R. No. 161/87

I PARTY :

The General Secretary,
Karnataka Dock & General,
Workers Union (HMS), Panambur,
Mangalore.

II PARTY :

The Deputy General Manager,
Mazagon Dock Ltd.,
Mangalore Yard, Panambur,
Mangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-45012/26/86-D.IV(A) dated 15th October 1987 for adjudication on the following schedule :—

SCHEDULE

“Whether there is employer and employee relationship between the workman in the dispute and the management of Mazagon Dock Ltd., Mangalore Yard, Panambur. If Yes, whether the action of the management of Mazagon Dock Ltd., Mangalore Yard Panambur, in refusing to employ Sri (1) Edmond Joseph D'Souza (2) Vistor Baptist (3) Devada Karkera (4) Keshava Putran (5) Chandra Shekhara Shetty (6) Umesh B (7) Chandrahad (8) Frederwick D'Souza (9) Shok Sanil and (10) Surendra from June, 1986 is justified and legal? If not to what relief the concerned workmen are entitled to?”

2. Notices were issued to parties and parties filed Claim Statement and counter respectively.

3. The First Party workmen having worked for the **Second party** since the very inception of its Mangalore yard. Initially they were recruited by various contractors and later somewhere in the year 1984, the **management took the services**. The work was permanent in nature. The action of the management did not proper and the workmen are denied their right to earn their livelihood. The first party has prayed to re-

instate these 10 workmen. The second party filed objections concerning that the dispute is baseless and fictitious. The employees are not working to the second party and there is no master and servant relationship in between them. The company of the second party is a public sector undertaking under Ministry of Defence, department of defence production. The allegation in respect of Shri N. P. Shetty made by the first party are not correct. The allegations are baseless. The second party needed certain labourers for certain temporary intermitting jobs and therefore a contract for the supply of such casual services was adoted to Shri N. P. Shetty who had such facilities. Accordingly Shri Shetty supplied the manpower as and when required and he was paid for the manpower provided at a certain fixed rate per person. Second party never employed at any time. The contract with Shri N. P. Shetty was also temporary. The second party for these reasons has prayed to reject the reference. Shri N. P. Shetty has also filed objections.

4. It is seen from the records that for workmen WW1 to 5 are examined. On behalf of the Second Party Devdas Uchil is examined. I have read the evidence carefully and perused all the records. MW1 has categorically stated in the evidence that Shri N. P. Shetty was the labour supply contractor and he was supplying labour on contract. He has also stated that there was no relationship directly or indirectly of employer and employee between management and the first party. They were not paying wages to the workmen. No attendance was taken. They have no control over the discipline. He has also said work similar to these workmen was given to many others and they were labourers. First Party workmen were not entitled to FSL, EPF. It is also stated by him that contract of Shri N. P. Shetty was terminated. No working hours was fixed for the workmen. They had no leave facilities. No benefit were given to them as such of regular workers. This MW1 is cross examined at length by the first party. I have contradicted the evidence of the first party and management and I am of the opinion that the first party has failed to establish the relationship of employee and employer in between parties and no convincing evidence is adduced by the first party so as to say that there is merit in the reference. On the other hand we are having the evidence of MW1 who has categorically stated that there is no relationship of employer and

ployee in between parties. There is no reason to discard his evidence. His evidence is quite natural. He is cross examined at length but nothing is made out to show that there is relationship of employer and employee in between the parties. MW1 has stated that the first party workmen are not regular workmen and they were only labourers. In view of this evidence the cross examination of MW1 with some of the workmen had been recorded from the names sponsored by the Employment Exchange and some of them by legal reference will not help the first party that to establish that they are the workmen. Taking all this into consideration I am of the opinion that there is no relationship of employer and employee between the parties and the action of the management is legal and there is no merit in this reference and accordingly I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA, transcribed by her, corrected and signed by me on 20th April 2001).
20-4-2001.

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 11 मई, 2001

का.आ. 1152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसंग में केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण/अथवा न्यायालय विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9/5/2001 को प्राप्त हुआ था।

[स. एल-30025/1/2000-आई. आर (एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 11th May, 2001

S.O. 1152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 9-5-2001.

[No. L-30025/1/2000-IR (M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman and Presiding Officer.

1424 GI/2001—21

Dated : 19th day of September, 2000

I.T.D. (C) 5/98

The General Secretary,
V.M. & P. Workers Union,
26-26-27, Harbour Approach Road,
Visakhapatnam-530001.

.. Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam.

.. Management.

This dispute coming on for final hearing before me in the presence of Sri K. Balakrishna, Advocate for workman and Sri G. V. Venkata Reddy, Advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is a reference made by the Government of India, Ministry of Labour, New Delhi under Sec. 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication of the following matter relating to the management of Port Trust and their workmen :

"Whether the action of the management of Visakhapatnam Port Trust by not amending the Recruitment Rules of Asst. Foreman (Locos) in Ore Handling Complex of Mech. Dept. of Visakhapatnam Port Trust as a selection post on par with other selection posts of Mech. Dept. is justified. If not, to what relief the workmen concerned are entitled?"

(2) The General Secretary of the Visakhapatnam Harbour and Port Workers' Union (AITUC) filed its claim statement stating that the union is registered and recognised. There are thousands of employees of the management as its members and the aggrieved workmen by name P. Rama Rao is one among them and he is a Khalasi (Shore), Ore Handling Complex and he was appointed on 9-11-92 and continuously working without any blemish till 31-8-96 on which date his services were terminated on the foot of a report given by Revenue Divisional Officer, Visakhapatnam with the allegation that the Burma Repatriate Certificate submitted by the workman is not genuine and it is the depot to obtain the employment. It is also the further service of the management that as per the certificate issued by R.P.L. Visakhapatnam disciplinary action was initiated by coming charge sheet dated 9-5-85 for cheating the Port Administration and the workman stated that the certificate given by the employment exchange and in turn he submitted the same. The departmental enquiry has been conducted, the workman did not choose to appear before the enquiry officer. So, the enquiry officer submitted his report. A show cause notice dated 11-7-86 imposing the penalty of removal from service was issued and the workman did not submit any explanation within 15 days. Hence he was removed and he is not entitled to back wages.

(3) Before this Tribunal, the workman is examined as WW1 and no documents are marked. On behalf of the management, MW1 are examined and Exs. M1 to M18 are marked.

(4) Heard both sides.

(5) The point that arises for consideration is :
"Whether the Burma Repatriate Certificate Ex. M6 dated 8-4-76 is not genuine or not and if it is not genuine what are the consequences thereon?"

(6) The following are the admitted facts that the workman worked as Khalasi (Shore) in Ore Handling Complex, Chief Mechanical and Engineering Department, Visakhapatnam Port Trust, Visakhapatnam w.e.f. 3-5-82, because on a certificate Ex. M6 produced by him that he is a Burma Repatriate, he got the job in the respondent management organisation. The management submitted Ex. M6 certificate and also the similar certificates of some other employees for verification to then R.D.O. under its letter dated 12-2-82

with regard to their genuineness and that letter is marked as Ex. M1. The R.D.O. in his report Ex. M4 dated 2-3-85 stated that the Burma Repatriate Certificate (Ex. M6) produced by the workman is not genuine. Basing on that report a charge sheet Ex. M7 was given for which Ex. M8 explanation was given by the workman denying the charge and an enquiry was held in which it was held that the certificate produced by him is not genuine and consequently the workman was removed from service. The enquiry report is marked as Ex. M9 and Ex. M10 is the show cause notice and Ex. M11 is the letter addressed to the management by the workman for extension of time to submit this explanation. Ex. M12 is the denial of time for submitting explanation and required him to submit his representation immediately and Ex. M13 is the report given by the Plant Manager. One Handling Complex that the workman was absent from duty w.e.f. 13-8-1986 till 21-8-1986 and Ex. M14 is the proceedings of the disciplinary authority removing the workman from service w.e.f. 9-9-96. Ex. M14 Order is published Eanadu Daily Newspaper in Visakhapatnam addition dated 30-10-86 which is marked as Ex. M16. Further the workman also admitted that he was given the appointment in the quota of Burma repatriate as he was Burma Repatriate. He also admitted that if the proof certificate that he is a Burma Repatriate produced by him at the time of appointment is not genuine, he has no case. He says that Ex. M6 is genuine and it is not fabricated document. Therefore, the basis for the appointment of the workman is Ex. M6 certificate which shows the petitioner is a Burma Repatriate.

(7) To prove the genuineness, the petitioner himself examined as WW1. He did not examine any other person to show that he is a Burma Repatriate.

(8) On the other hand, the management examined the then Revenue Divisional Officer, who issued Ex. M4 report dated 2-3-85 stating that the Burma Repatriate proof certificate of the petitioner at serial No. 6 is not genuine and he also deposed as MW1 that he received the copy of the letter Ex. M1, the number of the workman in the list is 23. After the abolition of the special officer post for Burma Repatriates, the duties of the special officer are entrusted to RDO. Therefore, he had an occasion to verify the genuineness or otherwise of the proof certificate in this case. He deposed that he verified the original file with reference to the loan number of that certificate and that certificate do not have any bearing to the name of the petitioner P. Rama Rao or his father Siebachalam and it is actually pertaining to Renuvulu Gurraiah but not this person and he also mentioned that a bogus certificate was produced by the workman and he also filed note Ex. M3 and the specific entry is Ex. M3 (original is produced for verifications. It is also deposed by MW1 that the certificate is said to have been issued by one Balakrishna Rao, SORR (Special Officer Refuges Rehabilitation) dated April, 1976 and on verification of the officers who were then in 1976, there was no officer of that name who worked in that capacity. On the basis of these two aspects the RDO mentioned that the certificate Ex. M6 is bogus and he sent Ex. M4 report. This witness is cross-examined at length. The management also examined one clerk in Visakhapatnam Port CMV Department, Visakhapatnam. He stated that basing on Ex. M6 this workman was given employment. The scheduled Ex. M6 was sent to the Collector, Visakhapatnam for verification under Ex. M4 letter dated 12-2-1982. Some other certificates were also sent for verification. Ex. M4 is sent by the RDO dated 2-3-1985 wherein a serial No. 6 the name of the workman is mentioned and it is also stated that the proof certificate belonging to the workman is not genuine. Therefore as per the regulation No. 10 of the Visakhapatnam Port Employees Classification and Central Regulations, 1968 a charge sheet Ex. M7 was issued. It was served on the workman and the workman gave his explanation under Ex. M8 and an enquiry was ordered and one P.V. Murali Mohan Rao, Chief Mechanical Engineer was appointed as an enquiry officer and in the enquiry the charges were held to be proved and a show cause notice was issued to the workman. So the show cause notice was sent to him, calling for explanation and he did not submit his explanation and Ex. M14 his removal orders were passed on 9-9-86. Ex. M16 is the paper publica-

tion of the report of the Chief Mechanical Engineer and the workman did not prefer any appeal. Further in his cross-examination this witness stated that he has no personal knowledge about Ex. M1 or Ex. M6 and he denied that he has no authorisation to depose the facts.

(9) One P. V. Murali Mohan Rao, Plant Superintendent, Mechanical is examined as MW3, who is working in the Ore Handling Complex of Visakhapatnam Port Trust. He deposed that he was appointed as enquiry officer by Chief Mechanical Engineer, Port Trust under orders dated 10-7-85 and he submitted report Ex. M9 holding that the charges are proved. That the evidence through MWs 1 and 3, and Exs. M1 to M16 clearly establishes the fact that the proof certificate Ex. M5 is produced by the petitioner that he is a Burma Repatriate is not genuine. Therefore, a show cause notice for removal of the workman is given for which the workman did not give reply and sought for time for one month. Further he is directed to submit the explanation but he did not submit and consequently he was removed from service. However, the learned counsel for the workman submits that the RDO, sent his report with regard to the genuineness of the certificate is not examined before the enquiry officer. The said contention has no basis because the management examined the very RDO before this Tribunal as MW1. Who categorically deposed that the certificate Ex. M6 is not genuine and he issued Ex. M4 report basing on the enquiry report from Ex. M3.

(10) However, Ex. M8, the explanation given to Ex. M7 charge memo, the workman stated that his natural parents out of poverty gave him in adoption to the present foster parents of Visakhapatnam and the adoption was done through rituals of their caste and its Panchanama is with their elders of their caste, and in the employment exchange, he gave this factual information and asked for help and the employment people gave him a certificate which he submitted to the office and he do not know the contents as he is not literate to understand what were contained in the certificate.

(11) He also quoted a decision reported in 1974-1 Service Law Reporter between Abdul Aziz Khan Vs. Union of India wherein the Allahabad High Court held after examination that the Government Servant, a semi-literate, getting the employment by producing a certificate given to him or granted to him by some outside agency is not guilty of misconduct or cheating as the cheating or deceitful act as alleged was not done by him during the course of performance of his official duties and he is ordered to be continued in the same employment as on date if he is otherwise eligible without that certificate now." The above said decision is not helpful to the workman.

(12) The learned counsel appearing for the workman also placed reliance on a decision reported in 1998(1) LLJ 1129 between Gurusamy R. Vs. District Collector, Coimbatore and Others wherein it is stated that there is no request by employer for initiating proceedings to find out genuineness of Community Certificate issued and no doubt entertained by authorities who issued certificate regarding genuineness of Community Certificate. Inquiries and verification procedure initiated by District Collector and RDO based on complaint received from a co-worker who is third party is totally unsustainable and liable to be quashed. Here the verification is not for by the employer at the time of the initial appointment itself. The RDO in this case did not make any enquiry basing on a complaint received by 3rd party. However, in the above said decision, the genuineness of the certificate is with regard to the community and the workman also filed the earlier 3 certificates issued by the Thasildar and the statement was also recorded and in such circumstances, the report submitted by the RDO stating that the community certificate issued by such person is cancelled.

(13) It is also the case where some documents were filed by the workman to substantiate his claim. Therefore, under the circumstances his Lordship was pleased to hold that the final order passed by the Collector Cancelling Community certificate basing on which report of Revenue Divisional Officer is liable to be set aside. Here we have not got any such material nor any other piece of paper or any material to show that the petitioner is a Burma Repatriate. On the other hand, his explanation Ex. M8 dis-

closes that he was given adoption to the named parents in his certificate. Therefore, under the circumstances, the facts and circumstances of the above said decision has no application to the case on hand.

(14) The very basis for the appointment of the workman is under the Burma Repatriates quota. If the workman failed to establish that he is a Burma Repatriate and that the certificate Ex. M6 is not genuine, he is not at all eligible to get the job and therefore, the above decision quoted by him has no application. Therefore, the reference is answered in favour of the management and against the workman.

(15) In the result, nil award is passed. However, no order as to costs and each party is directed to bear its own costs.

Dictated to steno transcribed by her given under my hand and seal of the court this the 19th day of September, 2000.

K. VEERAPU NAIDU, Presiding Officer

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

For Workman :

WW1 : P. Rama Rao.

For Management :

MW1 : R. Rama Krishnaiah.

MW2 : V. V. Satyanarayana.

MW3 : P. V. Murali Mohan Rao.

DOCUMENTS MARKED

For Workman : NIL.

For Management :

Ex. M1 : 12-02-82 : Letter to the Dist. Collector by the management reg. verification of Burma Repatriate certificate.

Ex. M2 : 12-02-82 : Statement showing the particulars of Burma School and Proof certificate.

Ex. M3 : 12-02-82 : Note file.

Ex. M3(a) : 12-02-82 : Relevant entry on the note file Ex. M3.

Ex. M4 : 02-03-85 : Report of the RDO, Vsp. to the management.

Ex. M5 : 00-09-80 : Note file.

Ex. M6 : 08-04-76 : Burma Repatriate certificate

Ex. M7 : 09-05-85 : Charge-sheet.

Ex. M8 : 30-5-85 : Explanation to charge sheet.

Ex. M9 : 07-06-86 : Enquiry report.

Ex. M10 : 11-07-86 : Show cause notice.

Ex. M11 : 30-7-86 : Letter to management by workman.

Ex. M12 : 07-08-86 : Letter to workman by the management.

Ex. M13 : 21-08-86 : Inter-Office letter reg. unauthorised absence of workman.

Ex. M14 : 09-09-86 : Proceedings of Disciplinary authority.

Ex. M15 : 22-09-86 : Removal order.

Ex. M16 : 30-10-86 : Paper publication in Kanada daily.

Ex. M17 : 10-08-85 : Appointment of enquiry officer.

Ex. M18 : 26-05-85 : Explanation submitted by workman to the enquiry officer.

नई दिल्ली, 10 मई, 2001

का.प्र. 1153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय 1424 GI/2001—22

सरकार डब्ल्यू. सी. एन. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2001 को प्राप्त हुआ था।

[सं.एल-22012/50/99-आई आर (सी -II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1153.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 10-5-2001.

[No. L-22012/50/99-IR(C-II)]

N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 101/2000

Employers in relation to the management of

W.C.L.

AND

Their workman Shri Padmakar Jain

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub Section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/50/99-IR(CM-II) dated 25/31-08-1999 on the following schedule.

SCHEDULE

"Whether the action of the management namely Suptd. (M) Manager/Sub Area Manager, Nandgaon Incline/Hindustan Lalpeth U/G Sub Area of WCL, Distt. Chandrapur in terminating Sh. Padmakar Jain, Ex-Loader, Nandgaon Incline is legal, proper and justified? If not, to what relief is the workman entitled?"

This reference was received on 20-10-99 at C.G.I.T. No. 2, Mumbai and Statement of Claim was filed by Sh. Padmakar Jain, workman on 22-06-2000. The workman mentioned in his Statement of Claim that he was appointed as Ex-Loader at Nandgaon Incline, WCL and had completed 10 years of service. He did not attend his duty due to illness of his family members and his poor health. He was also suffering from physical neurosis and mental tension.

The chargesheet was issued to him on 24-06-1996. He had participated in enquiry with co-worker Shri K. D. Aher, Senior Overman of Nandgaon Incline.

The workman says that he could not attend his duties from 1989 to 1996. He was mentally retarded so he could not defend himself during Departmental Enquiry. He has claimed for reinstatement from 14-05-1997 with continuity in service and consequential benefits.

The management, W.C.L. contested the case. In the Written Statement filed on 11-02-2000 management has given the details of the attendance of each year of this workman from 1989 to 1997. In the year 1994 he worked for 92 days, in 1995 he worked for 72 days, in 1996 he worked for 96 days, in 1997 he worked only for 37 days.

The workman had submitted certificate regarding his illness from 01-08-96 to 14-09-96. This certificate is from Medical Officer, Primary Health Centre, Ballarpur. This

certificate was obtained on 15-09-96. This certificate shows that workman was fit to resume duty from 15-09-1996.

The documents of the management M-9 shows that in the month of September, 1996 he worked only for 5 days, in October, 1996 for 11 days, in November, 1996 for 7 days and in December, 1996 for 11 days.

The application dated 04-07-1998 (W-9) of workman shows that from 14-05-1997 he was not provided any work.

In this court the workman Shri Padmakar Jain appeared on 02-08-2000, but the counsel for workman did not turn up to conduct the case. The case was adjourned to 29-08-2000 and 22-09-2000. The workman came on these dates, but his advocate did not turn up to conduct the case. On 22-09-2000 the workman represented that he does not know the name of his advocate. On 13-11-2000 neither the workman turned up nor any advocate appeared to conduct his case. The Vakalatnama of Shri Anand Purohit, Advocate dated 22-06-2000 is on the file. The case was adjourned to 18-01-2001, 20-02-2001, 27-02-2001, 29-03-2001 and 04-04-2001. No affidavit was submitted by workman in support of his claim. The counsel for workman also did not produce any evidence in support of the claim of workman.

In the above circumstances the workman did not produce any evidence to show that he was mentally retarded. There is no evidence that he was suffering from any mental disease due to which he did not work regularly from 1994 to 1997.

In these circumstances the termination order of his service dated 14-05-97 after holding enquiry against him is justified.

ORDER

The action of the management namely Suptd. (M) Manager/ Sub Area Manager, Nandgaon Incline/Hindustan Lalpeth U/G Sub Area of WCL, Distt. Chandrapur in terminating Sh. Padmakar Jain, Ex-Loader, Nandgaon Incline dated 14-05-97 is legal and justified.

The workman is not entitled to any relief.

The reference is answered accordingly.

B. G. SAXENA, Presiding Officer

Date : 04-04-2001

नई दिल्ली, 10 मई, 2001

का.प्रा. 1154.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार अधिकरण/अस न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2001 को प्राप्त हुआ था।

[सं.एल.-22012/178/91-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1154.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 10-5-2001.

[No. L-22012/178/91-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT : 145/2000

Employers in relation to the management of
W.C.L.

AND

Their workman Shri M. V. Thakre

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-22012/178/91-IR(C-II) dated 29-07-91 on following schedule.

SCHEDULE

"Whether the dismissal order dated 21-10-90 issued by the Sub Area Manager, Durgapur Open Cast Sub Area, WCL, Chandrapur, in respect of Shri M. V. Thakre, Dumper Operator is justified? If not, to what relief the workman is entitled?"

The workman Shri M. V. Thakre was working as Dumper Operator with Sub Area Manager, Durgapur Open Cast Sub Area, WCL, Chandrapur since 1984. He became active member of the Trade Union of the workers since 1987. The chargesheets were issued to him prior to this incidence as well but he was not punished in any case. On 17-06-90 chargesheet No. 416 was issued to the workman under Model Standing Order of the company clause 17(1)C, 17(1)S and 17(1)G and the workman was placed under suspension.

The workman M. V. Thakre then protested on 18-06-90 at 4.30 P.M. The workman went to the Manager/Dy. CME, Durgapur Opencast Shri A. K. Mukherjee at his office and raised the question regarding the chargesheet issued to him on 17-06-90. At the same time Shri N. C. Choudhary, Under Manager also came in the office of Shri A. K. Mukherjee. The workman started abusing Shri A. K. Mukherjee and attempted to assault on his neck. Shri N. C. Choudhary intervened and tried to ease the situation. The workman M. V. Thakre started abusing Shri N. C. Choudhary and threatened him. He also went to the office of Shri N. C. Choudhary and misbehaved with him. He again threatened Mr. Choudhary, Under Manager. For this misconduct an other chargesheet bearing No. 421 dated 19-06-90 was issued against workman under Model Standing Order clause 17(i)E, 17(i)Q, 17(i)R, 17(i)V, 17(i)C, 17(i)G, 17(i)T.

Shri R. Prasad was appointed as Enquiry Officer. He started enquiry from 27-6-90. The workman moved the application that some other Enquiry Officer be appointed. He moved the application on 02-07-90 and participated in enquiry. He again moved several applications for adjournment but Enquiry Officer concluded the enquiry and submitted detailed Enquiry Report. On 21-10-90 the Sub Area Manager after looking into the Enquiry Report passed the order of dismissal of workman with immediate effect.

In the Written Statement the management has stated that the workman had been misbehaving the Superior Officers prior to 18-6-90 as well. On the alleged dated 18-6-90 he misbehaved with 2 Senior Officers Shri A. K. Mukherjee and Shri N. C. Choudhary in their office. He also attempted to assault Shri A. K. Mukherjee. The charge of misconduct was proved against him during the enquiry and his services were terminated.

The workman in this case was represented by S. R. Pendre, General Secretary, Lal Baita Koyla Kamgar Union, Chandrapur. For the management of W.C.L. Shri B. N. Prasad, Advocate conducted the case.

I have heard the oral and written arguments submitted by both the parties and have perused the entire evidence on record.

On 08-01-2001 Shri B. N. Prasad represented that the employer does not want to produce any further oral evidence with regard to the punishment i.e. dismissal. Management will rely upon the documents for this aspect of the case. On 08-01-2001 Shri S. R. Pendre also noted on the order sheet that no more evidence is to be produced by the workman regarding the dismissal.

The workman has taken the plea that the Enquiry Officer was not changed on his request hence the enquiry is perverse. This argument is baseless. It is for the management to decide as to which officer shall conduct the enquiry. The workman cannot claim that the Enquiry Officer should be of his choice. There is no reason on record to believe that Shri R. Prasad who conducted enquiry against the workman had any prejudice in his mind against the workman when he started the enquiry. The Enquiry Officer gave sufficient opportunity to the workman to defend himself and the workman also got co-worker Shri V. U. Thakre to represent him during the enquiry proceedings. V. U. Thakre attended the proceeding with the workman in the proceedings dated 02-07-90. The copies of the documents were supplied to the workman. Oral evidence of Shri A. K. Mukherjee was also recorded on 02-07-90. The model standing orders were also shown to the workman, but his representative V. U. Thakre left the enquiry proceeding at 1.00 P.M. saying that he has to attend one marriage and he cannot represent the workman. However on the request of workman the enquiry was adjourned to 04-07-90. On this date the co-worker V. U. Thakre who was representing the workman, did not prefer to cross-examine, the witness of management Shri A. K. Mukherjee and represented that the workman Shri M. V. Thakre was going to obtain the stay order from the court.

On 05-07-90 the workman M. V. Thakre again tried to prolong the enquiry proceedings saying that his wife is expecting delivery within a day or two. The proceedings were further adjourned to 07-07-90. On this day the defence representative of the workman Shri V. U. Thakre did not cross examine the witness and closed the cross examination. Shri M. V. Thakre then represented that he should be given another opportunity to bring another co-worker to represent his case. The case was adjourned to 11-07-90.

On 11-07-90 the workman M. V. Thakre represented that he had filed a case in the Labour Court and hence he will not sit in the Departmental Enquiry. Again the Enquiry Officer adjourned the enquiry for 14-7-90. No stay order was submitted by M. V. Thakre hence Enquiry Officer continued the enquiry.

The above proceedings therefore show that the workman had been himself trying to keep the enquiry lingering on.

The workman's representative Shri S. R. Pendre has argued that the enquiry has been conducted ex parte.

If the workman himself avoids to participate in the enquiry and absents himself for one reason or the other, the Enquiry Officer has no option but to conclude the enquiry.

In the above circumstances the enquiry cannot be considered ex parte.

The workman was given full opportunity to defend himself in the enquiry proceedings by the Enquiry Officer. He was also allowed to be represented through co-worker of his choice V. U. Thakre, but this co-worker himself did not prefer to help the workman till the conclusion of the enquiry.

In the circumstances discussed above the enquiry conducted against workman was fair. It was also conducted according to the principles of natural justice.

So far as the punishment is concerned, I have considered the arguments of both the parties. In the statement of claim itself, the workman has mentioned that prior to this incidence as well the workman was issued chargesheet No. 416 dated 17-06-90 for his misconduct. On the alleged day i.e. 18-06-90 at 4.30 P.M. the workman tried to assault to Shri A. K. Mukherjee and also abused him in his office. He also abused Shri N. C. Choudhary, Under Manager in his office, who tried to settle the matter.

The above misconduct of the workman has been proved during the enquiry. He has therefore been rightly punished for dismissal from service. The punishment awarded to the

workman cannot be considered disproportionate. The order of dismissal dated 21-10-90 by Sub Area Manager, Durgapur Open cast Sub Area, WCL, Chandrapur in respect of Shri M. V. Thakre, Dumper Operator is proper and justified.

ORDER

The dismissal order issued dated 21-10-90 by Sub Area Manager, Durgapur Open Cast Sub Area, WCL, Chandrapur in respect of the M. V. Thakre, Dumper Operator is justified.

The workman is not entitled to any other relief.

The reference is answered accordingly.

3-4-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 10 मई, 2001

का.प्र. 1155—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार उल्लू. सी. एल. के प्रबंधन के संबंध नियोजनों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2001 को प्राप्त हुआ था।

[सं. एल-22012/556/99—आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1155.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 10-5-2001.

[No. L-22012/556/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. CGIT : 228/2000

Employers in relation to the Management of Chief General Manager, W.C.L.

AND

Their workman Shri Yusuf Diwan

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of Sub-section (1) & Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide Order No. L-22012/556/99-IR(CM-II) dated 27-7-2000 on the following schedule.

SCHEDULE

“Whether the action of the management of WCL, Pench Area, P.O. Parasia, Distt. Chhindwara (MP) in not correcting the date of birth of Shri Yusuf Diwan, Pipe Line Fitter of V.T.C. of WCL, Barkui is justified? If not, to what relief the workman is entitled?”

The workman Sh. Yusuf Diwan, Pipe Line Fitter of V.T.C. of WCL had raised the dispute for correcting his date of birth. The management has submitted written statement through Shri R.B. Mishra, Area Personnel Manager. Shri Mishra is present in the court and represented the case for management. He represented that workman is still in service. The dispute has been rejected by the union of the workman claiming for correction of his date of birth in office record.

In the record of office of WCL his date of birth is noted as 1-7-47. His date of birth is not 1-7-50. The workman was initially appointed as Eklehra Colliery w.e.f. 10-6-72. In “Form B” which is maintained by the management his date of birth is recorded as 1-7-47. The matter regarding the correction of his age was considered by the management.

The workman did not submit any statement of claim in the court, though the case was adjourned several time from 28-9-2000 to 28-2-2001. Registered Notice was also issued to the workman on 18-1-2001, but neither the workman turned up to submit the statement of claim nor any representative of his union appeared in the court to represent the workman and to contest the case for workman.

As the workman did not contest the case and has not submitted any statement of claim in support of the dispute raised by him, the case should be disposed off for want of prosecution.

ORDER

The workman Sh. Yusuf Diwan, Pipe Line Fitter of V.T.C. of WCL, Barkui has not submitted any statement of claim either himself or through his union. Hence, the reference is disposed off for want of prosecution.

29-3-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 10 मई, 2001

का.प्र. 1156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हल्यु, सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय

नागपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-5-2001 को प्राप्त हुआ था।

[सं. एल-22012/593/99-आई. प्रार. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1156.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 10-5-2001.

[No. L-22012/593/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer

Reference No. CGIT : 224/2000

Employers in relation to the management of W.C.L.

AND

Their workman Shri Soma Zadbaji Mohankar

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide Order No. L-22012/593/99-IR(CM II) dated 13-7-2000 on the following schedule.

SCHEDULE

“Whether the action of the management of WCL through its Sub Area Manager, Pipla Sub Area, P.O. Walni Mines Tah: Saoner, Distt. Nagpur in dismissing the services of Sh. Soma Zadbaji Mohankar R/o Itangaon, P.O. Itangaon, Tah. Parseoni, Distt. Nagpur w.e.f. 21-6-1991 is justified, legal and proper? If not, to what relief the workman is entitled?”

Soma S/o Zadbaji Mohankar had sent his Statement of Claim by post on 20-10-2000. The workman did not turn up on next date fixed i.e. 11-12-2000. The case was adjourned to 17-1-2001 and 21-2-2001. Neither the workman turned up nor his counsel turned up on these dates. The Vakalatnama of Shri Jayant Bhoot, Advocate was filed on 20-10-2000. After this date the advocate also did not appear in the court to conduct the case for workman.

The counsel for management of W.C.L. Shri Ashish S. Mehadia is present. He represent that workman has not supplied the copy of Statement of Claim to him. Hence, he is unable to submit any Written Statement for management.

In this case neither the workman is interested in producing any evidence in support of his claim nor the management has submitted any Written Statement.

In the above circumstances when the workman is himself avoiding to contest the case, the reference should be disposed off for want of prosecution.

ORDER

No evidence is produce by workman in support of his Statement of Claim. Neither the workman is turning up nor his counsel has appeared since 11-12-2000 to contest the case.

The reference is therefore disposed off for want of prosecution.

Date : 4-4-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 10 मई, 2001

का.आ. 1157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1157.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal|Labour Court, Godavari Khani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 9-5-2001.

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer.

Thursday, the 12th day of April, 2001

Industrial Dispute No. 86 of 2000

BETWEEN :

Ayub Khan, Coal Filler,
Ramakrishnapur Division,
Ravindrakhani 5 Incline, Rep.,
by G. Swamy, Vice President,
S.C. Workers Union (AITUC)
Sreerampur, Dist. Adilabad. ... Petitioner

AND

The General Manager,
S.C. Co. Ltd.,
Ramakrishnapur Area. ... Respondent

This petition coming before me for hearing in the presence of Sri C. S. N. Reddy, Advocate for the respondent, no representation for petitioner and having stood over for consideration till this date, the court passed the following :—

AWARD

Claimant called absent.

No representation. Reference closed.

Pronounced by me in the open court on this, 12th day of April, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

नई दिल्ली, 10 मई, 2001

का.आ. 1158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1158.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal|Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S. C. C. L. and their workman, which was received by the Central Government on 9-5-2001.

[No. L-22025/25/2001-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer.

Thursday, the 19th day of April, 2001

Industrial Dispute No. 84 of 1997

BETWEEN :

Ch. Sheshagiri, S/o Ch. Sudarshanam,
Age 30 yrs. Occ : Un-employee.
R/o. Jaggaiahpet village of Bhimini Mandal of
Adilabad Dist. ... Petitioner

AND

1. General Manager,
Singareni Collieries Co. Ltd.,
Bellampalli.
2. Managing Director,
S. C. Company Ltd.,
Kothagudem, Dist. Khammam. ... Respondents

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A. P. Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner underwent Electrician Training in the respondent company under Apprenticeship Act from 25-3-89 to 24-3-90. After completion of the Training, the petitioner worked in the respondent company from 25-3-90 to 24-4-91. He was appointed by the second respondent on 25-3-90 orally as daily-wage worker. He was removed from the service on 25-4-91 by the first respondent.

2. Respondent No. 1 filed counter stating that the petitioner was appointed as Apprentice on 23-5-89 under Apprenticeship Act, 1961 to undergo training for a period of one year. The Apprenticeship of the petitioner was terminated by an order dated 28-1-90.

Second respondent filed memo adopting the counter filed by the first respondent.

3. Advocate for the petitioner reported no instructions. Petitioner called absent.

Ex. M-1 is marked.
Heard respondent.

4. The point for consideration is whether the petitioner is entitled to be reinstated into service.

5. Point :—Ex. M-1 is office order showing that the Apprenticeship of the petitioner stands terminated w.e.f. 24-8-90.

The petitioner has not adduced any evidence to show that he was appointed by the respondent company after the Apprenticeship was over.

Even according to the petitioner, he worked upto 24-4-91 after the Apprenticeship was over. If that was so, he would have filed the present petition immediately after his termination. But the present petition was filed on 16-5-97, i.e., more than six years after his alleged termination. It cannot be believed that the petitioner was appointed by the respondent company after the Apprenticeship was over.

I, therefore, consider that the petitioner cannot be reinstated into service. Hence, I answer the point, accordingly.

In the result, this petition is dismissed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 19th day of April, 2001.

P. GURUNADHA RAO, Chairman-cum-
Presiding Officer

APPENDIX OF EVIDENCE

Witnesses-examined :

For Workman : Nil.

For Management : Nil.

Exhibits :

For Workman : Nil.

For Management :

Ex. M-1 dt. 1-3-90 Office-order.

नई दिल्ली, 10 मई, 2001

का.ग्रा. 1159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रवर्धन से संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 95-2-001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई आर (सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th May, 2001

S.O. 1159.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 9-5-2001.

[No. L-22025/25/2001-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GODAVARIKHANI

PRESENT:

Sri P. Gurunadha Rao, B.Sc., B.L.,

Chairman-cum-Presiding Officer.

Thursday, the 19th Day of April, 2001

Industrial Dispute No. 85 of 1999

BETWEEN

Paga Chanti,
S/o Mallalab,
Age 33 years,
Occ. Ex-Coal Filler,
R/o Ammapuram,
V/o Cherial Revenue
Mandal of Warangal District.

.... Petitioner

AND

The General Manager,
Srimgareni Collieries Co. Ltd.,
Ramakundam Area-II,
Godavarikhani.

.... Respondent

This petition coming before me for final hearing in the presence of Sri N. N. Chary, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following:—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987

Facts of the case briefly are as follows:—

The petitioner worked as Coal-Filler in the respondent company, in the year, 1997, he fell sick and became irregular to his duties. Charge-sheet was issued against the petitioner for his irregular attendance. Domestic enquiry was conducted and the petitioner was removed from the service on 23-12-98.

2. Respondent filed counter.

3. Advocate for the petitioner reported no instructions. Petitioner called absent.

Ex M-1 to Ex. M-14 are marked.

Heard respondent.

4. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

5. POINT:—Ex. M-1 is attendance particulars of the petitioner for the year, 1997.

Ex. M-2 is pay particulars of the petitioner for the year, 1997.

Ex. M-3 is charge-sheet.

Ex. M-5 is explanation to the charge-sheet.

The petitioner stated that due to his ill-health, he could not attend to duty regularly.

He admitted the charge.

6. Ex. M-7 is enquiry notice.

Ex. M-9 is enquiry report.

Ex. M-11 is returned registered cover.

Ex. M-12 is publication in Andhra Jyothi daily.

Ex. M-13 is proceedings dt. 23-12-98 dismissing the petitioner from the service.

7. The petitioner remained exparte in the enquiry. Even then, he admitted the charge in his explanation to the charge-sheet.

8. Ex. M-4 is private medical certificate produced by the petitioner. It shows that the petitioner was suffering from fever and Gastricitis from 3-9-98 to 14-9-98. The charge was that he was irregular in duties in the year, 1997. The petitioner has not produced any medical certificate to show that he was prevented from attending to duty in the year, 1997.

I, therefore, consider that the charge against the petitioner is proved and the punishment of removal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from the service is confirmed. Each party to bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 19th day of April, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer
Appendix of Evidence
Witnesses-examined

For Workman:

-Nil-

For Management:

-Nil-

Exhibits

For Workman:

-Nil-

For Management:

Ex. M-1 dt. .. Attendance particulars of the petitioner for the year of 1997.

Ex. M-2 dt. .. Pay sheet particulars of the petitioner for the year, 1997.

Ex. M-3 dt. 31-3-98 Charge-sheet.

Ex. M-4 dt. 21-9-98 Fit certificate and medical certificate.

Ex. M-5 dt. 4-10-98 Reply to charge-sheet.

Ex. M-6 dt. 29-9-98 Enquiry officer nomination letter.

Ex. M-7 dt. .. Enquiry notice.

Ex. M-8 dt. 4-10-98 Enquiry proceedings.

Ex. M-9 dt. -do- Enquiry report.

Ex. M-10 dt. 16-11-98 Show-cause notice.

Ex. M-11 dt. 25-11-98 Postal returned cover with ack.

Ex. M-12 dt. 9-12-98 Paper publication in Telugu Andhra Jyothi (xerox copy).

Ex. M-13 dt. 23-12-98 Office-order.

Ex. M-14 dt. -do- Dismissal letter.

नई दिल्ली, 16 मई, 2001

New Delhi, the 6th May, 2001

का.मा. 1160.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री सुरेश एम. देवड़ा को केन्द्रीय न्यासी बोर्ड का सदस्य नियुक्त करती है और दिनांक 10 अप्रैल, 1997 को भारत के राजपत्र, असाधारण के भाग-II, खंड 3, उपखंड (ii) में प्रकाशन श्रम मंत्रालय के सं. का. मा. 321 (इ.) दिनांक 9 अप्रैल, 1997 में भारत सरकार की अधिसूचना में निम्नलिखित संशोधन करती है :—

2. उक्त अधिसूचना में क्रमांक 32 पर प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टियाँ प्रतिस्थापित की जाएंगी, अर्थात् :—

श्री सुरेश एम. देवड़ा
अवैतनिक महासचिव, ए आई एम ओ.
जीवन सहकार चौथा तल,
सर पी एम रोड फोर्ट,
मुम्बई-400001

[संख्या. बी-20012/1/97-एस एस-II]

एम सी. मिस्तल, उप सचिव

S.O. 1160.—In exercise of powers conferred by sub-section (1) of Section 5A, of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Suresh M. Deora as a member of the Central Board of Trustees and makes the following amendment in the Notification of the Government of India in the Ministry of Labour S.O. 321(E) dated the 9th April, 1997 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, Extraordinary dated 10th April, 1997

In the said notification for entries against Sl. No. 32 the following entries shall be substituted, namely:—

Shri Suresh M. Deora,
Honorary General Secretary, AIMO,
Jeevan Sahakar 4th Floor,
Sir P. M. Road Fort,
Mumbai-400001.

[F. No. V-20012/1/97-SS-II]

M. C. MITTAL, Dy. Secy.